



1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984 6000
www.potteranderson.com

Philip A. Rovner
Partner
provner@potteranderson.com
(302) 984-6140 Direct Phone
(302) 658-1192 Fax

November 2, 2016

BY CM/ECF & HAND DELIVERY

The Honorable Richard G. Andrews
U.S. District Court for the District of Delaware
U.S. Courthouse
844 North King Street
Wilmington, DE 19801

Re: Acceleration Bay LLC v. Activision Blizzard, Inc. et al.
D. Del., C.A. No. 16-453-RGA, 16-454-RGA, 16-455-RGA

Dear Judge Andrews:

Pursuant to Local Rule 7.1.2(b), Plaintiff Acceleration Bay submits the Federal Circuit's recent decision in *Amdocs (Israel) Ltd. v. Openet Telecom., Inc.*, 2015-1180 (Nov. 1, 2016), subsequent authority bearing on Defendants' Motion to Dismiss Regarding U.S. Patent Nos. 6,701,344, 6,714,966 and 6,829,634 (16-455-RGA, D.I. 23 "Motion").

In *Amdocs*, the Federal Circuit reversed a district court's finding of patent ineligibility for claims relating to monitoring activity on computer networks. The Federal Circuit held that the arrangements of the "arguably generic components" in a distributed architecture minimize network impact by collecting and processing data close to its source and reduce congestion. *Amdocs*, at *4, 22-25. As with the claims asserted by Acceleration Bay, the *Amdocs* claims are, therefore, patent eligible because "these generic components operate in an unconventional manner to achieve an improvement in computer functionality," providing "a technical improvement over prior art technologies and serv[ing] to improve the performance of the system itself." *Id.*

A copy of the *Amdocs* decision is attached at Exhibit A for the Court's convenience.

Respectfully,

/s/ Philip A. Rovner

Philip A. Rovner (#3215)

cc: All Counsel of Record (Via ECF Filing, Electronic Mail)
Attachment