IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY, LLC, a Delaware Limited Liability Corporation,

Plaintiff,

v.

AMAZON WEB SERVICES, INC., a Delaware Corporation,

Defendant.

Civil Action No. 22-904-RGA

MEMORANDUM OPINION

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October 19, 2023

ANDREWS, UNITED STATES DISTRICT JUDGE:

Before me is the issue of claim construction of multiple terms in U.S. Patent Nos. 6,701,344 ("the '344 patent"), 6,714,966 ("the '966 patent"), 6,732,147 ("the '147 patent"), 6,829,634 ("the '634 patent"), and 6,910,069 ("the '069 patent"). The parties submitted a Joint Claim Construction Brief (D.I. 65) and Appendix (D.I. 66). Defendant submitted an additional letter. (D.I. 72). I heard oral argument on October 4, 2023.[1]

I. BACKGROUND

On July 6, 2022, Plaintiff Acceleration Bay filed a complaint against Defendant Amazon Web Services, alleging infringement of the '344, '966, '147, '634, and '069 patents. (D.I. 1). These patents disclose networking technologies that promote reliable, efficient broadcast of data through large networks. (D.I. 65 at 6–7). The '344 patent discloses "systems for an effective broadcast technique using a regular network." (D.I. 1 ¶ 10). The '966 patent discloses "systems for providing an information delivery service using a regular network." (*Id.* ¶ 14). The '147 patent discloses "methods and systems for leaving a broadcast channel." (*Id.* ¶ 18). The '634 patent discloses "methods and systems for broadcasting data across a regular network." (*Id.* ¶ 22). The '069 patent discloses "methods for adding a participant to a network without placing a high overhead on the underlying network." (*Id.* ¶ 25).

II. LEGAL STANDARD

"It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (cleaned up). "'[T]here is no magic formula or catechism for

[1] Citations to the transcript of the argument, which is not yet docketed, are in the format "Markman Tr. at ___."

conducting claim construction.' Instead, the court is free to attach the appropriate weight to appropriate sources 'in light of the statutes and policies that inform patent law.'" *SoftView LLC v. Apple Inc.*, 2013 WL 4758195, at *1 (D. Del. Sept. 4, 2013) (alteration in original) (quoting *Phillips*, 415 F.3d at 1324). When construing patent claims, a court considers the literal language of the claim, the patent specification, and the prosecution history. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 977–80 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996). Of these sources, "the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term." *Phillips*, 415 F.3d at 1315 (cleaned up). "While claim terms are understood in light of the specification, a claim construction must not import limitations from the specification into the claims." *Deere & Co. v. Bush Hog, LLC*, 703 F.3d 1349, 1354 (Fed. Cir. 2012) (citing *Phillips*, 415 F.3d at 1323).

"[T]he words of a claim 'are generally given their ordinary and customary meaning.' . . . [It is] the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips*, 415 F.3d at 1312–13 (citations omitted). "[T]he 'ordinary meaning' of a claim term is its meaning to [an] ordinary artisan after reading the entire patent." *Id.* at 1321. "In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words." *Id.* at 1314.

When a court relies solely on the intrinsic evidence—the patent claims, the specification, and the prosecution history—the court's construction is a determination of law. *See Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 331 (2015). The court may also make factual

findings based on consideration of extrinsic evidence, which "consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises." *Phillips*, 415 F.3d at 1317–19 (quoting *Markman*, 52 F.3d at 980). Extrinsic evidence may assist the court in understanding the underlying technology, the meaning of terms to one skilled in the art, and how the invention works. *Id.* Extrinsic evidence, however, is less reliable and less useful in claim construction than the patent and its prosecution history. *Id.*

III. CONSTRUCTION OF AGREED-UPON TERMS

I adopt the following agreed-upon constructions (D.I. 65 at 2–5):

Claim Term	Claims	Construction
"A distributed game system comprising:"; "A computer network for providing a game environment for a plurality of gaming participants, each gaming participant having connections to at least three neighbor gaming participants," / "A computer network for providing an information delivery service for a plurality of participants, each participant having connections to at least three neighbor participants,"; "A non-routing table based broadcast channel for participants, comprising" / "A non-routing table based computer network having a plurality of participants, each participant being an application program, and each participant having connections to at least three neighbor participants,";	'344 patent, claims 13, 21 '966 patent, claim 1 '634 patent, claims 10, 25 '147 patent, claim 6 '069 patent, claim 1	These preambles are limiting

"A method for healing a disconnection of a first computer from a second computer, the computers being connected to a broadcast channel, said broadcast channel being an m-regular graph where m is at least 3, the method comprising:"; "A computer-based, non-routing table based, non-switch based method for adding a participant to a network of participants, each participant being connected to three or more other participants, the method comprising:"		
"network is m-regular" "in a manner as to maintain an m-regular graph"	'344 patent, claims 13, 21 '966 patent, claims 1, 19 '634 patent, claims 10, 25 '147 patent, claim 6	A state that the network is configured to maintain, where each participant is connected to exactly m neighbor participants.
"wherein an originating participant sends data to the other participants by sending the data through each of its connections to its neighbor participants" "wherein an originating participant sends gaming data to the other gaming participants by sending the gaming data through each of its connections to its neighbor gaming participants" "a broadcast component that receives data from a neighbor participant using the	'344 patent, claims 13, 25 '966 patent, claims 1, 19 '634 patent, claims 10, 25	Data is sent from an originating participant to the other participants by broadcasting data through each of its connections to its neighbor participants.

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