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IPR2015-01951, Paper No. 100
IPR2015-01953, Paper No. 98
IPR2015-01964, Paper No. 101
IPR2015-01996, Paper No. 93
IPR2015-01970, Paper No. 99
IPR2015-01972, Paper No. 102
January 3, 2017

571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIVISION BLIZZARD, INC., ELECTRONIC ARTS, INC.,
TAKE-TWO INTERACTIVE SOFTWARE, INC., 2K SPORTS,
INC.

ROCKSTAR GAMES, INC. and BUNGIE, INC.
Petitioners,

v.

ACCELERATION BAY, LLC,
Patent Owner.

Case IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)
Case IPR2015-01964, IPR2015-01996 (Patent 6,829,634 B1)
Case IPR2015-01970, IPR2015-01972 (Patent 6,701,344 B1)

Held: December 7, 2016

BEFORE: SALLY C. MEDLEY, LYNNE E. PETTIGREW,
WILLIAM M. FINK, Administrative Patent Judges.

The above-entitled matter came on for hearing on Wednesday,
December 7, 2016, commencing at 9:00 a.m., at the U.S. Patent
and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Case IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)
Case IPR2015-01964, IPR2015-01996 (Patent 6,829,634 B1)
Case IPR2015-01970, IPR2015-01972 (Patent 6,701,344 B1)
APPEARANCES:

ON BEHALF OF THE PETITIONER:

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Case IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)
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1 P R O C E E D I N G S

2 - - - - -

3 JUDGE PETTIGREW: Please be seated. Good
4 morning, everyone.

5 ALL COUNSEL: Good morning.

6 JUDGE PETTIGREW: This is a consolidated hearing
7 for six cases, IPR2015-01951, 01953, 01964, 01970, 01972, and
8 01996, Activision Blizzard, et al., vs. Acceleration Bay. Each
9 side has 90 minutes to argue.

10 Petitioners have the ultimate burden of establishing
11 unpatentability and will argue first, presenting their case with
12 regard to the challenged claims, and, if you wish, with regard to
13 your motions to exclude.

14 Patent Owner then will respond to Petitioners' case and
15 present any arguments in support of your contingent motions to
16 amend and motions to exclude, if you wish to argue those.

17 Petitioners then may use any time they have reserved
18 for rebuttal to respond to Patent Owner. And then, finally, Patent
19 Owner may use any time you've reserved to respond only to
20 Petitioners' arguments opposing your motions, your motions to
21 exclude and motions to amend.

22 I would like to remind everybody that this hearing is
23 open to the public, and the transcript will be entered into the

Case IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)

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1 public record of these proceedings. So be careful not to discuss
2 any confidential information.

3 One additional item before we start. We did receive a
4 communication from Patent Owner indicating that its expert and
5 one of the inventors are in attendance; however, there has been no
6 motion for live testimony, and the Panel does not anticipate
7 asking questions of anyone except counsel.

8 Before we begin, let's have each -- counsel for each
9 party identify themselves and the party they represent for the
10 record.

11 Petitioner?

12 MR. BAUGHMAN: Thanks, Your Honor. It's Steve
13 Baughman from Ropes & Gray, with my colleagues Andrew
14 Thomases and James Davis, on behalf of Petitioners Activision
15 Blizzard, Electronic Arts, Take-Two Interactive, 2K Sports, and
16 Rockstar Games. And we have counsel for Bungie, Andrew
17 Brown, here as well, and we have a representative from
18 Petitioner, Take-Two Interactive, Linda Zabriskie. Thank you.

19 JUDGE PETTIGREW: Thank you.

20 Patent Owner?

21 MR. HANNAH: Good morning, Your Honor. James
22 Hannah from Kramer Levin representing Acceleration Bay, and
23 with me is Paul Andre of Kramer Levin. I also have -- the CEO
24 of Acceleration Bay, Joe Ward, is here, and one of the inventors,
25 Virgil Bourassa, is here, and Dr. Goodrich is here as well.

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1 JUDGE PETTIGREW: Thank you.

2 Petitioner, you may begin when ready.

3 MR. BAUGHMAN: Thank you, Your Honor.

4 Good morning, Your Honors. May it please the Board.
5 We would like to reserve at the outset 45 minutes of our time for
6 rebuttal, please.

7 If you could turn to slide 12, given the short time here
8 today, Petitioners rely on our petitions and evidence provided in
9 briefing to support our arguments in the six trials and in the six
10 joined Bungie trials that the challenged claims of the '966, '344,
11 and '634 patents at issue here are all anticipated or obvious in
12 view of the prior art and the permutations we have laid out here
13 on slide 12.

14 Turning to our slide 2, as Your Honors can see, we do
15 have a number of demonstratives available in case particular
16 topics arise, along with a table of abbreviations and a table of
17 contents showing where the evidence comes from, but we don't
18 plan to address them all unless there are particular questions.

19 Instead, to assist the Board in considering the record,
20 we had planned an opening discussion here of three topics, along
21 with any questions, of course, that the Board may have.

22 So first this morning I will briefly address several claim
23 constructions, and, in particular, Patent Owner's attempt to read
24 into the claims an array of limitations that are clearly not
25 supported by the record here. Second, I will briefly touch on the

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