

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACTIVISION BLIZZARD, INC.,  
ELECTRONIC ARTS INC.,  
TAKE-TWO INTERACTIVE SOFTWARE, INC.,  
2K SPORTS, INC., and  
ROCKSTAR GAMES, INC.,  
Petitioner,

v.

ACCELERATION BAY, LLC,  
Patent Owner.

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Case IPR2015-01970  
Patent 6,701,344 B1

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Before SALLY C. MEDLEY, LYNNE E. PETTIGREW, and  
WILLIAM M. FINK, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

## I. INTRODUCTION

Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. (collectively, “Petitioner”) filed a Petition for *inter partes* review of claims 1–19 of U.S. Patent No. 6,701,344 B1 (Ex. 1001, “the ’344 patent”). Paper 2 (“Pet.”). Acceleration Bay, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see* 37 C.F.R. § 42.108. Upon consideration of the Petition and Preliminary Response, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 1–12 and 16–19 of the ’344 patent.

### A. Related Matters

Petitioner and Patent Owner identify the following pending judicial matters as relating to the ’344 patent: *Acceleration Bay LLC v. Activision Blizzard, Inc.*, Case No. 1:15-cv-00228-RGA (D. Del., filed Mar. 11, 2015); *Acceleration Bay LLC v. Electronic Arts Inc.*, Case No. 1:15-cv-00282-RGA (D. Del., filed Mar. 30, 2015); and *Acceleration Bay LLC v. Take-Two Interactive Software, Inc.*, Case No. 1:15-cv-00311-RGA (D. Del., filed Apr. 13, 2015). Pet. 4; Paper 5, 1.

Petitioner and Patent Owner also identify five other petitions for *inter partes* review filed by Petitioner challenging the ’344 patent and similar patents:

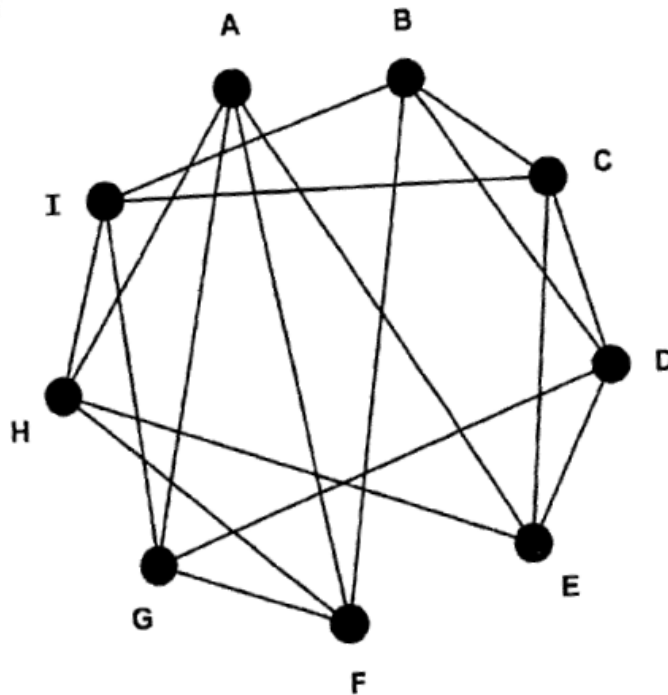
IPR2015-01951 IPR2015-01953	U.S. Patent No. 6,714,966 B1
IPR2015-01964 IPR2015-01996	U.S. Patent No. 6,829,634 B1
IPR2015-01972	U.S. Patent No. 6,701,344 B1

Pet. 4; Paper 5, 1.

*B. The '344 Patent*

The '344 patent relates to a “broadcast technique in which a broadcast channel overlays a point-to-point communications network.” Ex. 1001, 4:3–5. The broadcast technique overlays the underlying network system with a graph of point-to-point connections between host computers or nodes through which the broadcast channel is implemented. *Id.* at 4:23–26.

Figure 1 of the '344 patent is reproduced below:



*Fig. 1*

Figure 1 illustrates a broadcast channel represented by a “4-regular, 4-connected” graph. *Id.* at 4:48–49. The graph of Figure 1 is “4-regular” because each node is connected to exactly four other nodes (e.g., node A is connected to nodes E, F, G, and H). *Id.* at 4:38–39, 4:49–53. A node in a 4-regular graph can only be disconnected if all four of the connections to its neighbors fail. *Id.* at 4:39–42. Moreover, the graph of Figure 1 is “4-connected” because it would take the failure of four nodes to divide the graph into two separate sub-graphs (i.e., two broadcast channels). *Id.* at 4:42–47.

To broadcast a message over the network, an originating computer sends the message to each of its four neighbors using the point-to-point connections. *Id.* at 4:30–32. Each computer that receives the message sends it to its other neighbors, such that the message is propagated to each computer in the network. *Id.* at 4:32–38. The minimum number of connections needed to traverse any two computers in the network is known as the “distance” between them, while the maximum of the distances in the network is called the “diameter” of the broadcast channel. *Id.* at 4:57–5:3. In Figure 1, the diameter is 2 because a message originating at any node (e.g., A) traverses no more than 2 connections to reach every other node. *Id.* at 5:3–6.

In one embodiment described in the ’344 patent, a distributed game environment is implemented using broadcast channels. *Id.* at 16:30–31. Each player’s computer executes a game application program, and a player joins a game by connecting to the broadcast channel on which the game is played. *Id.* at 16:31–36. Each time a player takes an action in the game, a

message representing that action is broadcast on the game's broadcast channel. *Id.* at 16:36–38.

*C. Illustrative Claim*

Petitioner challenges all claims, i.e., claims 1–19, of the '344 patent. Claims 1, 13, 16, and 18 are independent, and claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computer network for providing a game environment for a plurality of participants, each participant having connections to at least three 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 and wherein each participant sends data that it receives from a neighbor participant to its other neighbor participants, further wherein the network is m-regular, where m is the exact number of neighbor participants of each participant and further wherein the number of participants is at least two greater than m thus resulting in a non-complete graph.

*Id.* at 29:26–37.

*D. Asserted Grounds of Unpatentability*

Petitioner asserts that claims 1–19 are unpatentable based on the following grounds (Pet. 6–7):

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