

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.,  
ROCKSTAR GAMES, INC., and  
BUNGIE, INC.,  
Petitioner,  
v.

ACCELERATION BAY, LLC,  
Patent Owner.

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Case IPR2015-01972<sup>1</sup>  
Patent 6,701,344

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**PATENT OWNER'S NOTICE OF APPEAL**

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<sup>1</sup> Bungie, Inc., who filed a Petition in IPR2016-00934, has been joined as a petitioner in this proceeding.

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Acceleration Bay, LLC, hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered March 23, 2017 (Paper 111) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent 6,701,344 (“the ‘344 patent”) at issue in *inter partes* review IPR2015-01972.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to, (1) the Board’s construction of the terms “game environment,” “participant,” and “connection”; (2) the Board’s determination that Petitioner showed by a preponderance of the evidence that claims 1–11 and 16–19 of the ‘344 Patent are unpatentable under 35 U.S.C. § 103 over Shoubridge et al., *Hybrid Routing in Dynamic Networks*, 3 IEEE INT’L CONF. ON COMMS. CONF. REC. 1381–86 (Montreal, 1997) (Ex. 1105) (“Shoubridge”); (3) the Board’s interpretation of Shoubridge; (4) the Board’s reliance on evidence and arguments presented for the first time in Petitioner’s Reply with respect to claims 1–11 and 16–19; (5) the Board’s determination that proposed substitute claims 20 and 22 are unpatentable under 35 U.S.C. § 103 over Shoubridge in view of Gautier et al, *Design and Evaluation of MiMaze, a Multi-Player Game on the Internet*, IEEE INT’L CONF. ON MULTIMEDIA COMPUTING & SYS. 233–36 (1998) (Ex. 1149) (“Gautier”); (6) the

Board's determination that Shoubridge was publicly available; (7) the Board's shifting of the burden of proof to Patent Owner; (8) any finding or determination supporting or related to those issues; as well as (9) other issues decided adversely to Acceleration Bay, LLC, in any orders, decisions, rulings, and opinions.

Copies of Patent Owner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: May 24, 2017

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(Case No. IPR2015-01972)

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing Patent Owner's Notice of Appeal was served on May 24, 2017, by filing this document through the Patent Review Processing System as well as delivering via electronic mail upon the following counsel of record for

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