

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 B1

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

**PATENT OWNER'S REPLY TO PETITIONERS' CONSOLIDATED  
OPPOSITION TO PATENT OWNER'S MOTION FOR ENTRY OF THE  
DEFAULT PROTECTIVE ORDER AND TO SEAL PATENT OWNER  
RESPONSE AND CERTAIN EXHIBITS UNDER 37 C.F.R. §§ 42.14 AND  
42.54**

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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.

Acceleration Bay, Inc., ("Patent Owner") filed its Patent Owner Response (Paper 31) on July 18, 2016 and corresponding Motion for Entry of the Default Protective Order and to Seal Patent Owner Response and Certain Exhibits (collectively, the "Motion to Seal") on July 19, 2016. Paper 35. As Patent Owner indicated in its Motion to Seal, the Patent Owner Response and certain exhibits cited therein contain highly confidential information of a third party, Boeing Company ("Boeing"). Paper 35. To protect against public disclosure of Boeing's highly sensitive information relating to (1) licensing practices and (2) the conception and development of the subject patent, Patent Owner filed its Response and confidential exhibits in accordance with the Scheduling Order. Paper 9, A.3. Specifically, Patent Owner followed the guidelines of the Scheduling Order by filing documents containing such confidential information under the appropriate availability indicator in PRPS (i.e., "Board and Parties Only"). Paper 9, A.3. Patent Owner filed all 43 remaining documents that did not concern third party confidential information as public documents.

On July 26, 2016, Petitioner contacted Patent Owner regarding the Motion to Seal, requesting that Patent Owner file redacted versions of the confidential documents. The Parties subsequently met and conferred on August 2, 2016, to discuss filing redacted versions of the confidential documents. Contrary to Petitioner's contention, Patent Owner did not represent that it "was not aware of

any authority requiring the filing of redacted versions of these documents.” Paper 39. In fact, Patent Owner invited Petitioner to propose a procedure to resolve Petitioner's concerns regarding the filing of redacted versions of the confidential documents, yet Petitioner never followed up. Instead, Petitioner filed its Consolidated Opposition to Patent Owner's Motion for Entry of the Default Protective Order and to Seal Certain Exhibits (“Opposition to the Motion to Seal”), generating unnecessary motion practice that could have, at the minimum, been resolved through an instructive call with the Board.

Patent Owner understands that the Petitioner does not oppose Patent Owner's Motion to Seal in its entirety, and instead requests that Patent Owner file redacted versions of the confidential documents at issue. Based on this limited Opposition to the Motion to Seal, and to the extent the Board finds that Patent Owner must file redacted versions of the confidential documents, Patent Owner respectfully requests the Board's guidance on the proper procedure for filing such redacted documents, particularly with the new PTAB E2E System.

Respectfully submitted,

Dated: September 16, 2016

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Patent Owner's Reply to Opposition to Motion to Seal  
IPR2015-01972 (U.S. Patent No. 6,701,344)

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(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 Reply to Petitioner's Consolidated Opposition to Patent Owner's Motion for Entry of the Default Protective Order and to Seal Certain Exhibits under 37 C.F.R. §§ 42.14 and 42.54 was served on September 16, 2016, by filing this document through the Patent Review Processing System as well as delivering via electronic mail upon the following counsel of record for Petitioner and Joinder Petitioner:

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