

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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Cases IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)<sup>1,2</sup>  
Cases IPR2015-01964, IPR2015-01996 (Patent 6,829,634 B1)  
Cases IPR2015-01970, IPR2015-01972 (Patent 6,701,344 B1)

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

FINK, *Administrative Patent Judge.*

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<sup>1</sup> This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be entered in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

<sup>2</sup> Bungie, Inc., who filed Petitions in IPR2016-00933, IPR2016-00934, IPR2016-00935, IPR2016-00936, IPR2016-00963, and IPR2016-00964, has been joined as a Petitioner in these proceedings.

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

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

Petitioner, Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., Rockstar Games, Inc., and Bungie, Inc., and Patent Owner, Acceleration Bay, LLC, requested a hearing in each of the above six proceedings pursuant to 37 C.F.R. § 42.70(a). *See, e.g.*, IPR2015-01951, Paper 72, 74; IPR2015-01953, Paper 73, 76. The requests are *granted*.

These proceedings will be heard on December 7, 2016, beginning at 9:00 a.m. Given the overlap in these six proceedings, each party will have 90 minutes of total argument time in a consolidated hearing. Each side will present arguments for the six proceedings during the allotted time. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial and make arguments in favor of its motions to exclude. Thereafter, Patent Owner will respond to Petitioner's case and present any arguments in support of its contingent motions to amend and its motions to exclude.

After that, Petitioner may make use of the rest of its time responding to Patent Owner. To the extent Petitioner reserves time, it may respond to Patent Owner's presentation on all matters. To the extent Patent Owner reserves rebuttal time, it may respond only to Petitioner's arguments opposing the contingent motions to amend and opposing Patent Owner's motions to exclude.

Although Motions to Seal are pending, neither party has requested that the oral hearing be closed to the public. Accordingly, the hearings will be open to the public for in-person attendance in Hearing Room A on the ninth floor of Madison

IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)  
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IPR2015-01970, IPR2015-01972 (Patent 6,701,344 B1)

Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearings, and the reporter's transcripts will constitute the official record of the hearings.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served seven business days prior to the hearings. The parties shall not file any demonstrative exhibits in this case without prior authorization, but should e-mail demonstratives to the Board via *Trials@uspto.gov* three business days before the hearing.

The parties shall meet and confer with each in other in good faith regarding any objections to demonstrative exhibits in each proceeding. For any issue that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections at least two business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one sentence) of the reason for each objection. No argument or further explanation is permitted. We will consider the objections and schedule a conference call if necessary. Otherwise, we will reserve ruling on the objections until the hearing or after the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived.

The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, slip op. at 2–5 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearings to ensure the clarity and accuracy of the reporter's transcripts.

IPR2015-01951, IPR2015-01953 (Patent 6,714,966 B1)  
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The Board expects lead counsel for Petitioner and Patent Owner to be present at the hearings, although any back-up counsel may make the actual presentation, in whole or in part. If lead counsel for a party will not be in attendance at the hearings, the Board should be notified via a joint conference call no later than two days prior to the hearings to discuss the matter.

Requests for audio-visual equipment at the hearings are to be made five days in advance of the hearing date. The requests must be sent to *Trials@uspto.gov*. If the requests are not received timely, equipment may not be available on the day of the hearings. Further, if the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at 571-272-9797.

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FOR PETITIONER:

J. Steven Baughman  
Andrew Thomases  
James L. Davis, Jr.  
Daniel W. Richards  
Matthew R. Shapiro  
Joseph E. Van Tassel  
ROPES & GRAY LLP  
steven.baughman@ropesgray.com  
andrew.thomases@ropesgray.com  
james.l.davis@ropesgray.com  
daniel.w.richards@ropesgray.com  
matthew.shapiro@ropesgray.com  
joseph.vantassel@ropesgray.com

Michael T. Rosato  
Andrew S. Brown  
WILSON SONSINI GOODRICH & ROSATI  
mrosato@wsgr.com  
asbrown@wsgr.com

Michael Tomasulo  
Michael Murray  
Andrew Sommer  
WINSTON & STRAWN LLP  
mtomasulo@winston.com  
mmurray@winston.com  
asommer@winston.com

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