

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.,
Petitioner

v.

ACCELERATION BAY, LLC,
Patent Owner

Case IPR2015-01996¹
Patent 6,829,634 B1

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**

¹ Bungie, Inc., who filed a Petition in IPR2016-00964, has been joined as a petitioner in this proceeding.

Acceleration Bay, Inc., ("Patent Owner") filed its Patent Owner Response (Paper 33) 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

/James Hannah/
James Hannah (Reg. No. 56,369)
jhannah@kramerlevin.com
Michael Lee (Reg. No. 63,941)
mhlee@kramerlevin.com
Kramer Levin Naftalis & Frankel LLP
990 Marsh Road
Menlo Park, CA 94025

Patent Owner's Reply to Opposition to Motion to Seal
IPR2015-01996 (U.S. Patent No. 6,829,634)

Tel: 650.752.1700
Fax: 212.715.8000

Shannon Hedvat (Reg. No. 68,417)
shedvat@kramerlevin.com
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036
Tel: 212.715.9185
Fax: 212.715.8385

(IPR2015-01996)

Attorneys for Patent Owner

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:

J. Steven Baughman
ROPES & GRAY LLP
2099 Pennsylvania Ave., NW
Washington, DC 20005-3948
steven.baughman@ropesgray.com
Activision_Blizzard_PTAB_Service@ropesgray.com

Matthew R. Shapiro
Joseph E. Van Tassel
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036
matthew.shapiro@ropesgray.com
joseph.vantassel@ropesgray.com

Andrew Thomases
James Davis, Jr.
Daniel W. Richards
ROPES & GRAY LLP
1900 University Ave., 6th Floor
East Palo Alto, CA 94303
andrew.thomases@ropesgray.com

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.