

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., and
ROCKSTAR GAMES, INC.,

Petitioners

v.

ACCELERATION BAY, LLC,
Patent Owner

Case No. IPR2016-00726
Patent No. 6,910,069

Before ANDREW KELLOGG, *Trial Paralegal*

PETITIONERS' SUPPLEMENTAL MANDATORY NOTICE
INFORMATION UNDER 37 C.F.R. § 42.8

Pursuant to 37 C.F.R. § 42.8, the undersigned, on behalf of and acting in a representative capacity for Petitioners, Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. ("Petitioners"), hereby submits this Supplemental Mandatory Notice, which provides information regarding related matters under rule 37 C.F.R. § 42.8(b)(2).

I. Related Matters Under Rule § 42.8(b)(2)

A. 2015 Delaware Actions (now dismissed).

In the following three actions against Petitioners, Acceleration Bay asserted the same six patents (“Asserted Patents”),¹ including the patent identified in the above-captioned proceeding: *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. et al.*, Case No. 1:15-cv-00311-RGA (D. Del., filed Apr. 13, 2015).

On June 20, 2016, the District of Delaware dismissed the above-listed actions without prejudice. *Acceleration Bay LLC v. Activision Blizzard, Inc. et al.*, Civ. Action Nos. 1:15-cv-00228-RGA (Dkt. No. 153), 1:15-cv-00282-RGA (Dkt. No. 147), 1:15-cv-00311-RGA (Dkt. No. 149) (D. Del. June 20, 2016).

B. 2016 California Actions (pending).

On June 16, 2016, Petitioners filed the following actions in the Northern District of California for declaratory judgment of non-infringement of the six Asserted Patents¹, including the patent identified in the above-captioned proceeding: *Activision Blizzard, Inc. v. Acceleration Bay LLC*, Case No. 3:16-cv-

¹ Those patents are: U.S. Patent Nos. 6,701,344; 6,714,966; 6,732,147; 6,829,634; 6,910,069; and 6,920,497.

03375 (N.D Cal., filed June 16, 2016); *Electronic Arts Inc. v. Acceleration Bay LLC*, Case No.3:16-cv-03378 (N.D. Cal., filed June 16, 2016); and *Take-Two Interactive Software, Inc. et al. v. Acceleration Bay LLC*, Case No. 4:16-cv-03377 (N.D. Cal., filed June 16, 2016).

C. 2016 Delaware Actions (pending).

On June 17, 2016, Acceleration Bay filed the following actions against Petitioners in the District of Delaware asserting infringement of the six Asserted Patents, including the patent identified in the above-captioned proceeding: *Acceleration Bay LLC v. Activision Blizzard, Inc.*, Case No. 1:16-cv-00453 (D. Del., filed June 17, 2016); *Acceleration Bay LLC v. Electronic Arts Inc.*, Case No. 1:16-cv-00454 (D. Del., filed June 17, 2016); and *Acceleration Bay LLC v. Take-Two Interactive Software, Inc. et al.*, Case No. 1:16-cv-00455 (D. Del., filed June 17, 2016).

D. Petitions for Inter Partes Review.

Petitioners have filed petitions for *inter partes* review challenging all of the six Asserted Patents. The Board has instituted review of certain claims of U.S. Patent No. 6,714,966 in IPR2015-01951 and -01953; and a petition challenging another claim of this patent is currently pending in IPR2016-00932. The Board has also instituted review of certain claims of U.S. Patent No. 6,701,344 in

IPR2015-01970 and -01972; and a petition challenging another claim of this patent is currently pending in IPR2016-00931. The Board has also instituted review of certain claims of U.S. Patent No. 6,829,634 in IPR2015-01964 and -01996. A petition challenging additional claims of U.S. Patent No. 6,823,634 (IPR2016-00727) as well as petitions challenging certain claims of U.S. Patent No. 6,920,497 (IPR2016-00724), U.S. Patent No. 6,910,069 (IPR2016-00726), and U.S. Patent No. 6,732,147 (IPR2016-00747) are currently pending.

A third party, Bungie, Inc., has also filed the following petitions, which are still pending, challenging certain claims of three of the six Asserted Patents: U.S. Patent No. 6,701,344 (IPR2016-00933, IPR2016-00934); U.S. Patent No. 6,714,966 (IPR2016-00935, IPR2016-00936); and U.S. Patent No. 6,829,634 (IPR2016-00963, IPR2016-00964).

Dated: June 23, 2016

Respectfully submitted,

By: /Michael M. Murray /
Michael M. Murray (lead counsel)
Reg. No. 32,537
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166-4193
P: 212-294-3510 / F: 212-294-4700
mmurray@winston.com

Michael A. Tomasulo (back-up
counsel)
Reg. No. 43,957,
WINSTON & STRAWN LLP
333 S. Grand Avenue, 38th Floor
Los Angeles, CA 90071-1543
P: 213-615-1848 / F: 213-615-1750
mtomasulo@winston.com).

Andrew R. Sommer (back-up counsel)
Reg. No. 53,932
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20006-3817
P: 202-282-5896 / F: 202-282-5100
asommer@winston.com

Mailing address for all correspondence: WINSTON & STRAWN LLP, 1700 K
Street, N.W., Washington, D.C. 20006-3817

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.