

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

United States Patent No: 6,701,344	§	Attorney Docket No.:
Inventors: Fred B. Holt, Virgil E. Bourassa	§	109869-0003-658
Formerly Application No.: 09/629,042	§	
Issue Date: March 2, 2004	§	Customer No.: 28120
Filing Date: July 31, 2000	§	
Former Group Art Unit: 2153	§	Petitioners: Activision Blizzard,
Former Examiner: B. Edelman	§	Inc., Electronic Arts Inc., Take-
Patent Owner: Acceleration Bay, LLC	§	Two Interactive Software, Inc., 2K
	§	Sports, Inc., and Rockstar Games,
	§	Inc.

For: DISTRIBUTED GAME ENVIRONMENT

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**MOTION FOR JOINDER  
UNDER 35 U.S.C. § 315(c) AND 37 C.F.R. §§ 42.22 AND 42.122(b) AND  
REQUEST FOR SHORTENED RESPONSE TIME FOR  
PATENT OWNER'S PRELIMINARY RESPONSE**

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## I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. (collectively “Petitioners”) respectfully request joinder pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b) of the concurrently filed Petition for *Inter Partes* Review of Claim 12 of U.S. Patent No. 6,701,344 (“the ’344 patent”) (“the Second ’344 Shoubridge Petition”) with pending *inter partes* review IPR2015-01972, which involves the same parties and was instituted by the Board on March 24, 2016 relying on the teachings of the Shoubridge reference.<sup>1</sup> IPR2015-01972, Pap. 8.

Joinder of the limited grounds raised in the Second ’344 Shoubridge Petition to the instituted grounds in IPR2015-01972 is appropriate because such joinder will not unduly delay the resolution of either proceeding, and instead will help “secure the just, speedy, and inexpensive resolution” of these proceedings. *See* 37 C.F.R. § 42.1(b). The Second ’344 Shoubridge Petition seeks *inter partes* review of Claim 12 of the ’344 patent based on two grounds not previously considered by the Board: obviousness of Claim 12 over Shoubridge (Ground 1) and obviousness

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<sup>1</sup> Peter J. Shoubridge & Arek Dadej, *Hybrid Routing in Dynamic Networks*, in 3 IEEE INT’L CONF. ON COMM’NS CONF. REC. 1381-86 (Montreal, 1997) (Ex. 1205) (“Shoubridge”).

of Claim 12 over Shoubridge in view of DirectPlay<sup>2</sup> (Ground 2) – which is distinct from a previously-asserted ground (obviousness of Claim 12 over DirectPlay and Shoubridge) that was denied institution after the Board adopted the Patent Owner’s mischaracterizations of the prior art as described in the Second ’344 Shoubridge Petition.

Claim 12 – and Claim 1 from which Claim 12 depends – as well as the prior art references relied upon (Shoubridge and DirectPlay) are already at issue in related instituted proceedings, namely: IPR2015-01970 (Pap. 9 at 26)<sup>3</sup> and IPR2015-01972 (Pap. 8 at 23). Accordingly, Petitioners submit substantially the

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<sup>2</sup> Bradley Barga & Peter Donnelly, *INSIDE DIRECTX*, (Microsoft Press, 1998) (Ex. 1203) (“DirectPlay”).

<sup>3</sup> In IPR2015-01970, the Board instituted review of Claim 12 of the ’344 patent on obviousness grounds in view of the combination of DirectPlay and Lin (Meng-Jang Lin, *et al.*, *Gossip versus Deterministic Flooding: Low Message Overhead and High Reliability for Broadcasting on Small Networks*, Technical Report No. CS1999-0637 (Univ. of Cal. San Diego, 1999) (“Lin”). As Petitioners noted in the IPR2015-01972 petition, Petitioners sought institution on grounds based on the Shoubridge and Lin references in the event that Patent Owner is able to swear behind the Lin reference. IPR2015-01972, Pap. 2 at 5; *see also* IPR2015-01970, Pap. 6 (Prelim. Resp.) at 14-21.

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