

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BUNGIE, INC.,  
Petitioner,

v.

ACCELERATION BAY, LLC,  
Patent Owner.

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Case IPR2016-00934  
Patent 6,701,344 B1

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

FINK, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

On April 22, 2016, Bungie, Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claim 1–12 and 16–19 of U.S. Patent No. 6,701,344 B1 (Ex. 1101, “the ’344 patent”). Paper 2 (“Pet.”). On the same day, Petitioner filed a Motion for Joinder pursuant to 35 U.S.C. § 315(c), seeking to join this proceeding with *Activision Blizzard, Inc., et al. v. Acceleration Bay, LLC*, Case IPR2015-01972 (“the 1972 IPR”). Paper 3 (“Mot.”). In the 1972 IPR, we instituted *inter partes* review of claims 1–11 and 16–17 of the ’344 patent.<sup>1</sup> See *1972 IPR*, slip op. at 1 (PTAB March 24, 2016) (Paper 8); Pet. 1; Mot. 1–2. Petitioner represents that counsel for Petitioner, Activision *et al.*, in the 1972 IPR does not oppose joinder. Mot. 2. Petitioner also represents that the instant petition is “practically a copy of the Activision *et al.* IPR petition with respect to its instituted ground” with “a nominal additional of a single dependent claim.” *Id.* at 1–2.

Patent Owner, Acceleration Bay, LLC, if it wishes, may file an opposition to Petitioner’s Motion for Joinder, limited to 15 pages, no later than May 25, 2016.

Patent Owner may file a preliminary response to the Petition no later than May 25, 2016. **This is a shortened time for filing a preliminary response.** Patent Owner may, in the alternative, file an election to waive the preliminary response to expedite the proceeding.

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<sup>1</sup> We did not institute *inter partes* review of claim 12. In a separate petition, Petitioner in the 1972 IPR, Activision *et al.*, has challenged claim 12 of the ’344 patent and filed a Motion for Joinder seeking to join the proceeding with the 1972 IPR. *Activision Blizzard, Inc., et al. v. Acceleration Bay, LLC*, Case IPR2016-00931 (PTAB April 21, 2016) (Paper 2, 3).

ORDER

Accordingly, it is:

ORDERED that Patent Owner is authorized to file an opposition to Petitioner's Motion for Joinder of this proceeding with *Activision Blizzard, Inc., et al. v. Acceleration Bay, LLC*, Case IPR2015-01972, limited to 15 pages, no later than May 25, 2016; and

FURTHER ORDERED that Patent Owner may file a preliminary response to the Petition, or file an election to waive the preliminary response, no later than May 25, 2016.

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Case IPR2016-00934  
Patent 6,701,344 B1

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