

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BUNGIE, INC.,
Petitioner,

v.

ACCELERATION BAY, LLC,
Patent Owner.

Case IPR2016-00936
Patent 6,714,966 B1

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, 16, and 17 of U.S. Patent No. 6,714,966 B1 (Ex. 1101, “the ’966 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 IPR2015-01953 (“the 1953 IPR”). Paper 3 (“Mot.”). In the 1953 IPR, we instituted *inter partes* review of claims 1–11, 16, and 17 of the ’966 patent.¹ See *1953 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 1953 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.

¹ We did not institute *inter partes* review of claim 12. In a separate petition, Petitioner in the 1953 IPR, Activision *et al.*, has challenged claim 12 of the ’966 patent and filed a Motion for Joinder seeking to join the proceeding with the 1953 IPR. *Activision Blizzard, Inc., et al. v. Acceleration Bay, LLC*, Case IPR2016-00932 (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 IPR2015-01953, 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.

FOR PETITIONER BUNGIE:

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

FOR PETITIONER ACTIVISION ET AL.:

J. Steven Baughman
Andrew Thomases
ROPES & GRAY LLP
steven.baughman@ropesgray.com
andrew.thomases@ropesgray.com

FOR PATENT OWNER:

Perkins Coie LLP - Boeing
P.O. Box 1247 Patent - SEA
Seattle WA 98111-1247
Express Mail Label No:
EF 124 367 596

Case IPR2016-00936
Patent 6,714,966 B1

Acceleration Bay, Inc.
370 Bridge Parkway
Redwood City, CA 94065

James Hannah
Michael Lee
Shannon Hedvat
KRAMER LEVIN NAFTALIS & FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
Express Mail Label No:
EF 124 367 605

jhannah@kramerlevin.com
mhlee@kramerlevin.com
shedvat@kramerlevin.com