

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 IPR2015-01951¹
Patent 6,714,966

**DECLARATION OF SCOTT SMITH IN SUPPORT OF
PATENT OWNER'S RESPONSE**

¹ Bungie, Inc., who filed a Petition in IPR2016-00935, has been joined as a petitioner in this proceeding.

Declaration of Scott Smith

I, Scott Smith, declare as follows:

1. I am over the age of majority and make this declaration of my own personal knowledge.

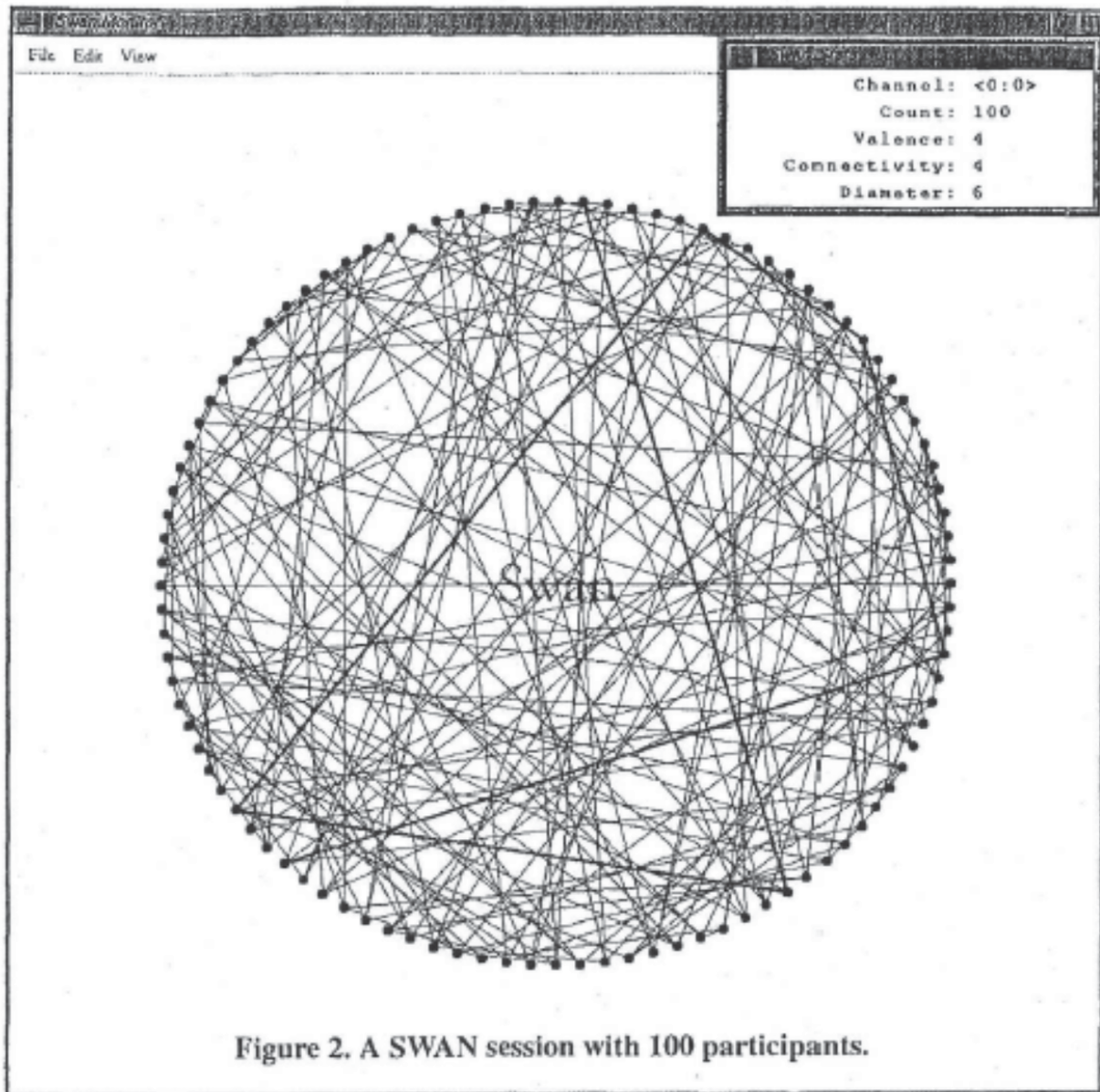
2. I was employed at Boeing, Inc. (“Boeing”) from 1989 - 2015 as an Advanced Computing Researcher. In this position, I worked with Virgil Bourassa and Fred Holt. We were in the same organization and regularly discussed projects we worked on and made presentations at the same meetings. From 1996 through at least 1999, Virgil Bourassa and Fred Holt were working on a technology known as SWAN which I understand stands for Small-World Wide Area Networking.

3. At least as of Fall 1999, I observed SWAN working in extensive prototype testing. For example, during this time, I observed that SWAN had undergone beta evaluation internally at Boeing in the [REDACTED] application. [REDACTED] was a CAD visualization tool for airplane engineers. I understand that SWAN was incorporated into [REDACTED] in order to allow collaborative design reviews to take place at multiple, different locations with a large number of participants.

4. I understand that as part of this prototype testing, SWAN allowed peer-to-peer communications among participants that were collaborating using

[REDACTED] I observed SWAN working in this context along with a graphical

monitor that displayed a SWAN session. Below labeled as Figure 2 is an accurate representation of such a SWAN session that I remember seeing:

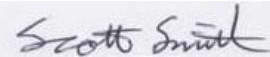


5. In addition to observing the prototyping of SWAN, I also attended several presentations relating to the SWAN technology on or before Fall 1999. Virgil Bourassa presented the SWAN technology and explained how

the technology was working at that time in [REDACTED] These presentations demonstrated that SWAN had a working prototype no later than Fall 1999.

6. I declare under penalty and perjury under the laws of the United States of America that this declaration is true, complete, and accurate to the best of my knowledge. I further acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Executed at Issaquah, WA on July 17, 2016.



Scott Smith