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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BUNGIE, INC.,
Petitioner,

v.

ACCELERATION BAY, LLC,
Patent Owner.

Patent No. 6,829,634
Case No. IPR2017-01601

**PETITION FOR INTER PARTES REVIEW OF
U.S. PATENT NO. 6,829,634**

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I. INTRODUCTION

Pursuant to the provisions of 35 U.S.C. § 311 and § 6 of the Leahy-Smith America Invents Act (“AIA”), and to 37 C.F.R. Part 42, Bungie, Inc., (“Bungie” or “Petitioner”) hereby requests review of United States Patent No. 6,829,634 to Fred B. Holt *et al.* (hereinafter “the ’634 patent,” EX1001) that issued on December 7, 2004, and is currently assigned to Acceleration Bay, LLC (“Patent Owner”). This Petition demonstrates that, by a preponderance of the evidence, that it is more likely than not that claims 19-24 of the ’634 patent are unpatentable for failing to distinguish over prior art. Thus, claims 19-24 of the ’634 patent (“subject claims”) should be found unpatentable and canceled.

A. Brief Overview of the ’634 Patent

The ’634 patent is entitled “BROADCASTING NETWORK.” In a general sense, the subject claims of the ’634 patent are directed to a method for adding a participant to a network of participants by “establishing a connection between the participant and ... neighbor participants.” *See, e.g.*, EX1001, claim 19; EX1003¹ ¶9.

Claim 19’s method includes five steps for adding a participant: (1) locating a portal computer; (2) requesting that portal computer provide an indication of neighbor participants to which the participant can be connected; (3) receiving the

¹ Declaration of Dr. Nicholas Bambos, Ph.D.

indications of those neighbor participants; (4) dropping the connection between the indicated neighboring participants (this is required in order to meet the limitation discussed below that the network is m -regular); and (5) establishing a connection between the participant and each of the indicated neighbor participants. EX1003 ¶10.

Claim 19 also includes elements about the graph topology: connections are not established between the portal computer on the one hand and the participant or the neighbor participants on the other; “the network is m -regular and m -connected, where m is the number of neighbor participants of each participant;” and “the number of participants is at least two greater than m thus resulting in a non-complete graph.” EX1003 ¶11 (citing EX1001 at 30:30-40).

The elements added by the dependent subject claims concern certain aspects of the method: participants are computer processes executing on different computer systems (claims 20-21); after the node has joined, communications occur by a participant receiving data from a neighbor participant and transmitting that data to other neighbor participants (claim 22); connections to the joining participant are established by disconnecting nodes from one another in favor of establishing connections to the joining participant (claim 23); and communications use the TCP/IP protocol (claim 24). EX1003 ¶12.

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