

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., and
ROCKSTAR GAMES, INC.,

Petitioners

v.

ACCELERATION BAY, LLC,
Patent Owner

Case No. IPR2016-00747
Patent No. 6,732,147

Before ANDREW KELLOGG, *Trial Paralegal*

PETITIONERS' SUPPLEMENTAL MANDATORY NOTICE
INFORMATION UNDER 37 C.F.R. § 42.8

Pursuant to 37 C.F.R. § 42.8, the undersigned, on behalf of and acting in a representative capacity for Petitioners, Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. ("Petitioners"), hereby submits this Supplemental Mandatory Notice, which provides information regarding related matters under rule 37 C.F.R. § 42.8(b)(2).

I. Related Matters Under Rule § 42.8(b)(2)

A. 2015 Delaware Actions (now dismissed).

In the following three actions against Petitioners, Acceleration Bay asserted the same six patents (“Asserted Patents”),¹ including the patent identified in the above-captioned proceeding: *Acceleration Bay LLC v. Activision Blizzard, Inc.*, Case No. 1:15-cv-00228-RGA (D. Del., filed Mar. 11, 2015); *Acceleration Bay LLC v. Electronic Arts Inc.*, Case No. 1:15-cv-00282-RGA (D. Del., filed Mar. 30, 2015); and *Acceleration Bay LLC v. Take-Two Interactive Software, Inc. et al.*, Case No. 1:15-cv-00311-RGA (D. Del., filed Apr. 13, 2015).

On June 20, 2016, the District of Delaware dismissed the above-listed actions without prejudice. *Acceleration Bay LLC v. Activision Blizzard, Inc. et al.*, Civ. Action Nos. 1:15-cv-00228-RGA (Dkt. No. 153), 1:15-cv-00282-RGA (Dkt. No. 147), 1:15-cv-00311-RGA (Dkt. No. 149) (D. Del. June 20, 2016).

B. 2016 California Actions (pending).

On June 16, 2016, Petitioners filed the following actions in the Northern District of California for declaratory judgment of non-infringement of the six Asserted Patents¹, including the patent identified in the above-captioned proceeding: *Activision Blizzard, Inc. v. Acceleration Bay LLC*, Case No. 3:16-cv-

¹ Those patents are: U.S. Patent Nos. 6,701,344; 6,714,966; 6,732,147; 6,829,634; 6,910,069; and 6,920,497.

03375 (N.D Cal., filed June 16, 2016); *Electronic Arts Inc. v. Acceleration Bay LLC*, Case No.3:16-cv-03378 (N.D. Cal., filed June 16, 2016); and *Take-Two Interactive Software, Inc. et al. v. Acceleration Bay LLC*, Case No. 4:16-cv-03377 (N.D. Cal., filed June 16, 2016).

C. 2016 Delaware Actions (pending).

On June 17, 2016, Acceleration Bay filed the following actions against Petitioners in the District of Delaware asserting infringement of the six Asserted Patents, including the patent identified in the above-captioned proceeding: *Acceleration Bay LLC v. Activision Blizzard, Inc.*, Case No. 1:16-cv-00453 (D. Del., filed June 17, 2016); *Acceleration Bay LLC v. Electronic Arts Inc.*, Case No. 1:16-cv-00454 (D. Del., filed June 17, 2016); and *Acceleration Bay LLC v. Take-Two Interactive Software, Inc. et al.*, Case No. 1:16-cv-00455 (D. Del., filed June 17, 2016).

D. Petitions for Inter Partes Review.

Petitioners have filed petitions for *inter partes* review challenging all of the six Asserted Patents. The Board has instituted review of certain claims of U.S. Patent No. 6,714,966 in IPR2015-01951 and -01953; and a petition challenging another claim of this patent is currently pending in IPR2016-00932. The Board has also instituted review of certain claims of U.S. Patent No. 6,701,344 in IPR2015-01970 and -01972; and a petition challenging another claim of this

patent is currently pending in IPR2016-00931. The Board has also instituted review of certain claims of U.S. Patent No. 6,829,634 in IPR2015-01964 and 01996. A petition challenging additional claims of U.S. Patent No. 6,823,634 (IPR2016-00727) as well as petitions challenging certain claims of U.S. Patent No. 6,920,497 (IPR2016-00724), U.S. Patent No. 6,910,069 (IPR2016-00726), and U.S. Patent No. 6,732,147 (IPR2016-00747) are currently pending.

A third party, Bungie, Inc., has also filed the following petitions, which are still pending, challenging certain claims of three of the six Asserted Patents: U.S. Patent No. 6,701,344 (IPR2016-00933, IPR2016-00934); U.S. Patent No. 6,714,966 (IPR2016-00935, IPR2016-00936); and U.S. Patent No. 6,829,634 (IPR2016-00963, IPR2016-00964).

Dated: June 23, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PETITIONER'S SUPPLEMENTAL MANDATORY NOTICE INFORMATION UNDER 37 C.F.R. § 42.8** was served on June 23, 2016 in its entirety by causing the aforementioned document to be electronically mailed, pursuant to the parties' agreement, to the following attorneys of record for the Patent Owner listed below:

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