

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.,
Petitioner,

v.

ACCELERATION BAY, LLC,
Patent Owner.

Case IPR2016-00724 (Patent 6,920,497 B1)¹
Case IPR2016-00747 (Patent 6,732,147 B1)

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

MEDLEY, *Administrative Patent Judge*.

ORDER
Trial Hearing
35 U.S.C. § 316(a)(10)

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be entered in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

I. INTRODUCTION

Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. (collectively, “Petitioner”) and Acceleration Bay, LLC (“Patent Owner”) requested a hearing in each of the above listed proceedings pursuant to 37 C.F.R. § 42.70. The requests are *granted*.

These proceedings will be heard May 17, 2017, beginning at 9:30 a.m. Eastern Time. We will hear IPR2016-00724 from 9:30 until 10:30 (each party will have 30 minutes total time to present) and then hear IPR2016-00747 from approximately 10:30 until 11:30 (each party will have 30 minutes total time to present). Petitioner bears the ultimate burden of proof that the claims at issue in each respective review are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial. Thereafter, Patent Owner will respond to Petitioner’s case. Petitioner may reserve rebuttal time to respond to Patent Owner’s presentation.

Although Motions to Seal are pending, neither party has requested that the oral hearing be closed to the public. Accordingly, the hearing will be open to the public for in-person attendance in Hearing Room A on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing and the reporter’s transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served seven business days prior to the hearing. The parties shall not file any

Case IPR2016-00724 (Patent 6,920,497 B1)

Case IPR2016-00747 (Patent 6,732,147 B1)

demonstrative exhibits in this case without prior authorization, but should e-mail demonstratives to the Board via *Trials@uspto.gov* three business days before the hearing.

The parties shall meet and confer with each other in good faith regarding any objections to demonstrative exhibits in each proceeding. For any issue that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections at least two business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one sentence) of the reason for each objection. No argument or further explanation is permitted. We will consider the objections and schedule a conference call if necessary. Otherwise, we will reserve ruling on the objections until the hearing or after the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived.

The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, slip op. at 2–5 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter’s transcripts.

The Board expects lead counsel for each party to be present at the hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at the hearing, the Board should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

Case IPR2016-00724 (Patent 6,920,497 B1)

Case IPR2016-00747 (Patent 6,732,147 B1)

Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797.

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