

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 No. 6,920,497

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Acceleration Bay, LLC, hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered August 28, 2017 (Paper 49) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent 6,920,497 (“the ‘497 patent”) at issue in *inter partes* review IPR2016-00724.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to:

(1) the Board’s construction of the terms “port ordering algorithm” and “portal computer”;

(2) the Board’s determination that Petitioner showed by a preponderance of the evidence that:

(i) claims 1 and 7 of the ‘497 Patent are unpatentable under 35 U.S.C. § 103 over Chad Yoshikawa et al., “Using Smart Clients to Build Scalable Services,” Proceedings of the 1997 USENIX Technical Conference (Jan. 1997) (Ex. 1005) (“Smart Clients”) with or without Amin M. Vahdat et al., “WebFS: A Global Cache Coherent File System,” January 29, 1999 (Ex. 1007) (“Vahdat”);

(ii) claims 3–5 of the ‘497 Patent are unpatentable under 35 U.S.C. § 103 over Smart Clients in view of Om P. Damani, “ONE-IP: techniques for

hosing a service on a cluster of machines,” COMPUTER NETWORKS AND ISDN SYSTEMS, No. 29, pp. 1019-27 (1997) (Ex. 1009) (“ONE-IP”), and David Karger et al., “Web Caching with Consistent Hashing,” WWW '99 Proceedings of the Eighth Int'l Conf. on World Wide Web (May 1999) (Ex. 1012) (“Karger”) with or without Vahdat; and

(iii) claim 8 of the '497 Patent is unpatentable under 35 U.S.C. § 103 over Smart Clients in view of Matthew Naugle, NETWORK PROTOCOL HANDBOOK (McGraw-Hill 1994) (Ex. 1008) (“Naugle”) with or without Vahdat;

- (3) the public availability of Vahdat;
- (4) the Board's interpretation of Smart Clients;
- (5) the Board's shifting of the burden of proof to Patent Owner;
- (7) any finding or determination supporting or related to those issues; and
- (8) other issues decided adversely to Acceleration Bay, LLC, in any orders, decisions, rulings, and opinions.

Copies of Patent Owner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent

Trial and Appeal Board, and the United States Court of Appeals for the Federal
Circuit.

Respectfully submitted,

Dated: October 30, 2017

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(Case No. IPR2016-00724)

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing Patent Owner's Notice of Appeal was served on October 30, 2017, by filing this document through the PTAB E2E system as well as delivering via electronic mail upon the following counsel of record for

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In addition, the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on October 30, 2017, with the United States Patent and Trademark Office at the following address:

Office of the General Counsel
United States Patent and Trademark Office
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The undersigned hereby certifies that the foregoing Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on October 30, 2017. Pursuant to Federal Circuit Rule 15, one paper copy of the foregoing was simultaneously sent to the Clerk of the United States Court of Appeals for the Federal Circuit.

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