Jonathan Bowser Talks With World IP Review About Gaming Network Patent Infringement Ruling

By Jonathan R. Bowser | October 14, 2021

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Haynes Boone Counsel Jonathan Bowser talked with *World IP Review* about a precedential decision by the U.S. Court of Appeals for the Federal Circuit involving gaming network patents.

Below is an excerpt:

The publisher of "Grand Theft Auto Online," "NBA 2K15" and "NBA 2K16" has dodged infringement claims over gaming network patents, according to a Federal Circuit ruling.

[The court] dismissed the appeal from patent holder Acceleration Bay accusing games publisher Take-Two Interactive and the games developers Rockstar Games and 2K Sports of infringing its networking patents.

Writing for the panel, circuit Judge Jimmie Reyna also dismissed infringement claims based on two other Acceleration Bay patents for mootness. The appeal was found to be moot as Acceleration Bay only challenged one of "multiple independent grounds" articulated in the US District Court for the District of Delaware's summary judgment.

The precedential decision handed down yesterday, 10 October, closes proceedings on the more than five-year-long dispute between the parties.

'Broad Implications'

Jonathan Bowser, counsel at Haynes Boone, said that the ruling appeared to have "broad implications for distributed computing techniques that created a virtual network among interconnected computing devices."

[Judge Reyna] upheld the District Court's ruling that the games' networking solutions were not similar enough to those detailed in the '344 and '966 patents to constitute infringement.

"Significantly, the Federal Circuit found that the defendant (Take-Two) was not an 'assembler' of the technology because the defendant's software, by itself, did not create the hardware components that allegedly infringed the claims at issue. Rather, the customers completed the system by installing the software on their computer hardware systems," Bowser added.

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