

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 15-228 (RGA)
)	
ACTIVISION BLIZZARD, INC.,)	PUBLIC VERSION
)	
Defendant.)	
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ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 15-282 (RGA)
)	
ELECTRONIC ARTS INC.,)	
)	
Defendant.)	
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ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 15-311 (RGA)
)	
TAKE-TWO INTERACTIVE SOFTWARE,)	
INC., ROCKSTAR GAMES, INC. and)	
2K SPORTS, INC.,)	
)	
Defendants.)	

**DECLARATION OF AARON FRANKEL IN SUPPORT OF PLAINTIFF
ACCELERATION BAY LLC'S OPPOSITION TO DEFENDANTS' MOTION TO
DISMISS FOR LACK OF STANDING**

Public Version Dated: March 25, 2016

I, Aaron Frankel, declare as follows:

1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel of record for Plaintiff Acceleration Bay LLC (“Acceleration Bay”). I have personal knowledge of the facts stated herein and can testify competently to those facts. I make this declaration in support of Acceleration Bay’s Opposition to Defendants’ Motion to Dismiss for Lack of Standing.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the [REDACTED]

[REDACTED]

3. Attached hereto as **Exhibits 2-6** are true and correct copies of search results related to patent assignments of U.S. Patent No. 6,701,344, U.S. Patent No. 6,714,966, U.S. Patent No. 6,732,147, U.S. Patent No. 6,910,069 and U.S. Patent No. 6,920,497 available from the U.S. Patent and Trademark Office, bearing bates numbers AB-AB 002185-89 and AB-AB 002193-96.

4. Attached hereto as **Exhibit 7** is a true and correct copy of search results related to patent assignments of U.S. Patent No. 6,829,634 available from the U.S. Patent and Trademark Office.

5. Attached hereto as **Exhibit 8** is a true and correct copy of [REDACTED]

[REDACTED]

6. Attached hereto as **Exhibit 9** is a true and correct copy of Plaintiff’s Reply Brief Regarding EMC Corporation’s Standing from *EMC Corp. v. Pure Storage, Inc.*, No. 13-1985-RGA (D. Del. Feb. 26, 2016).

7. Attached hereto as **Exhibit 10** is a true and correct copy of a press release entitled “Boeing Begins Construction of Simulation and Analytics Lab Space in Huntsville,” dated December 11, 2014.

8. Attached hereto as **Exhibit 11** is a true and correct copy of a webpage entitled “Simulator Services,” available at <http://www.boeing.com/commercial/services/flight-operations-solutions/simulator-services/>, last visited on March 11, 2016.

9. Attached hereto as **Exhibit 12** is a true and correct copy of an article entitled “Boeing, Elbit Systems to Collaborate on Simulation for Super Hornet,” dated March 27, 2012.

10. Attached hereto as **Exhibit 13** is a true and correct copy of a press release entitled “Northrop Grumman and Boeing Partner for Missile Defense Simulation Architecture Contract,” dated September 27, 2010.

11. Attached hereto as **Exhibit 14** is a true and correct copy of The Boeing Company’s Oct. 2014 Technical Report, entitled “Advanced Framework for Simulation, Integration and Modeling (AFSIM) Version 1.8 Overview.”

12. Attached hereto as **Exhibit 15** is a true and correct copy of a webpage regarding flying mount items from World of Warcraft.

13. Attached hereto as **Exhibit 16** is a true and correct copy of webpages from Wikipedia entitled “Microsoft Flight Simulator X.”

14. Attached hereto as **Exhibit 17** is a true and correct copy of a webpage from Wikipedia entitled “World of Warcraft.”

15. Attached hereto as **Exhibit 18** is a true and correct copy of a webpage from Wikipedia entitled “Grand Theft Auto (series).”

16. Attached hereto as **Exhibit 19** is a true and correct copy of a webpage from Wikipedia entitled “Call of Duty.”

17. Attached hereto as **Exhibit 20** is a true and correct copy of a webpage from Wikipedia entitled “Destiny (video game).”

18. Attached hereto as **Exhibit 21** is a true and correct copy of a webpage from Wikipedia entitled “Plants vs. Zombies: Garden Warfare.”

19. Attached hereto as **Exhibit 22** is a true and correct copy of the Memorandum Order from *Adaptix, Inc. v. T-Mobile USA, Inc.*, No. 6:12-cv-00369 (E.D. Tex. Nov. 5, 2014).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on March 18, 2016 in New York, New York.

/s/ Aaron Frankel
Aaron Frankel

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