

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.	)	
	)	
Defendant.	)	

**ACTIVISION’S JOINDER IN MOTION TO DISMISS  
JOINT INFRINGEMENT CLAIMS FILED BY ELECTRONIC ARTS, INC.**

Plaintiff has filed three substantially identical complaints against different defendants in this Court. In addition to this action, Plaintiff later filed actions against Electronic Arts (C.A. No. 15-282-RGA) and Take Two (C.A. No. 15-311-RGA). On May 4, 2015, Defendant Activision Blizzard, Inc. (“Activision”) moved to dismiss plaintiff’s induced infringement claims in this action. (D.I. 11-12.) Thereafter, on May 13, 2015, the Federal Circuit issued its opinion in *Akamai Technologies, Inc. v. Limelight Networks, Inc.*, No. 2009-1372, 2015 WL 2216261 (Fed. Cir. May 13, 2015), concerning the requirements for a claim of joint infringement. On May 21, 2015, citing *Akamai*, Electronic Arts moved to dismiss Plaintiff’s claims of joint infringement against it, in addition to its claims for induced infringement.

Activision hereby joins in and incorporates by reference Electronic Arts’s motion to dismiss Plaintiff’s claims of joint infringement and its Opening Brief in support thereof. (C.A. No. 15-282-RGA, D.I. 11-12). Specifically, Activision seeks dismissal of Counts III, VI and VIII of Plaintiff’s Amended Complaint, asserting that Activision infringes the method claims of

U.S. Patent Nos. 6,732,147, 6,910,069 and 6,920,497 based on a theory of joint infringement.  
(D.I. 7 at ¶¶ 65-66, 96-97 and 117-118).

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Stephen J. Kraftschik*

---

Jack B. Blumenfeld (#1014)  
Stephen J. Kraftschik (#5623)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
skraftschik@mnat.com

OF COUNSEL:

Michael A. Tomasulo  
David P. Enzminger  
Dae Hee Cho  
David K. Lin  
WINSTON & STRAWN LLP  
333 S. Grand Avenue, 38th Floor  
Los Angeles, CA 90071  
(213) 615-1700

Daniel K. Webb  
WINSTON & STRAWN LLP  
35 W. Wacker Drive  
Chicago, IL 60601  
(312) 558-5600

June 1, 2015  
9185752

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2015, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 1, 2015, upon the following in the manner indicated:

Philip A. Rovner, Esquire  
Jonathan A. Choa, Esquire  
POTTER ANDERSON & CORROON LLP  
1313 North Market Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

Paul J. Andre, Esquire  
Lisa Kobialka, Esquire  
James R. Hannah, Esquire  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
990 Marsh Road  
Menlo Park, CA 94025  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

*/s/ Stephen J. Kraftschik*

---

Stephen J. Kraftschik (#5623)

9185752