

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).

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*/s/ Stephen J. Kraftschik*

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June 1, 2015  
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**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:

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