

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 15-228-RGA
	:	
ACTIVISION BLIZZARD INC.,	:	
	:	
Defendant.	:	

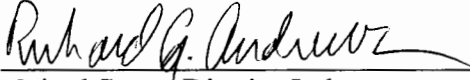
ORDER

Pending is Defendant’s Motion to Dismiss. (D.I. 11). It seeks dismissal of the indirect infringement counts because those counts do not plausibly allege that there are any direct infringers. I believe there is merit in that argument. The allegations of direct infringement in the indirect infringement accounts seem designed to obscure what Plaintiff’s theory is rather than to elucidate it.

The motion also seeks dismissal for lack of plausible allegations of knowledge, but this seems much ado about nothing. The allegation of knowledge is sufficient post-filing, insufficient pre-filing. Thus, were this Defendant’s only argument, all it would result in would be a limitation of the scope of the indirect infringement counts.

In view of the above, Defendant’s motion to dismiss (D.I. 11) is **GRANTED**. Counts IV, VII, and IX are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 22 day of June 2015.


United States District Judge