

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,)
)
Plaintiff,)
)
v.) C.A. No. 16-453 (RGA)

ACTIVISION BLIZZARD, INC.) **REDACTED**
) **PUBLIC VERSION**
Defendant.)

ACCELERATION BAY LLC,)
)
Plaintiff,)
)
v.) C.A. No. 16-454 (RGA)

ELECTRONIC ARTS INC.,) **REDACTED**
) **PUBLIC VERSION**
Defendant.)

ACCELERATION BAY LLC,)
)
Plaintiff,)
)
v.) C.A. No. 16-455 (RGA)

TAKE-TWO INTERACTIVE SOFTWARE,) **REDACTED**
INC., ROCKSTAR GAMES, INC. and) **PUBLIC VERSION**
2K SPORTS, INC.,)
)
Defendants.)

AMENDED NOTICE OF 30(b)(6) DEPOSITION OF ACCELERATION BAY LLC

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30(b)(6), on May 22, 2017, beginning at 9:00 A.M., and continuing day-to-day thereafter until completed, Defendants Activision|Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., Rockstar Games, Inc., and 2K Sports, Inc., will take the deposition of Plaintiff Acceleration Bay LLC. The deposition will take place at the offices of Winston & Strawn LLP, 275 Middlefield

Road, Suite 205, Menlo Park, California 94025 and will continue from day to day (excluding weekends and holidays) until completed. The deposition shall be taken before a court reporter or other qualified person to administer the oath and record the testimony by stenographic means. The deposition will be videotaped. Pursuant to Federal Rule of Civil Procedure 30(b)(6), Acceleration must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf. The person(s) so designated shall be the persons most knowledgeable about, and shall testify as to, the matters known or reasonably available to Acceleration with respect to the topics listed below. In addition, it is requested that Acceleration provide written notice, at least five (5) business days in advance of the deposition, of the name and position of each designee who consents to testify on behalf of Acceleration, and the identity of the particular topic(s) listed below as to which such designee has agreed to testify.

DEFINITIONS

1. “Acceleration,” “Plaintiff,” “You,” or “Your” means and includes Acceleration Bay LLC together with each of its respective departments, divisions, subsidiaries, predecessors, and affiliates, past and present, and all employees, representatives, and/or agents acting or purporting to act on any or all of their respective behalves.

2. “Defendants” shall mean Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., Rockstar Games, Inc., and 2K Sports, Inc., including but not limited to their predecessors, all parent companies, partners, wholly or partially owned subsidiaries, divisions, past or present affiliated corporations, and each of their present and former employees, agents, officers, directors, representatives, consultants, accountants, and attorneys.

3. “Boeing” means and includes The Boeing Company together with each of its respective departments, divisions, subsidiaries, predecessors, and affiliates, past and present, and all employees, representatives, and/or agents acting or purporting to act on any or all of their respective behalves.

4. “Panthesis” means collectively and/or individually, Panthesis, Inc., and/or its present and former officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates.

5. “Accused Products” shall mean any product or service manufactured, used, sold, offered for sale or imported into the United States by or on behalf of any Defendants that Acceleration Bay alleges infringes the Asserted Patents.

6. “Asserted Patents” shall mean United States Patent Nos. 6,701,344; 6,714,966; 6,732,147; 6,829,634; 6,910,069; and 6,920,497.

7. The term “Related Application(s)” of a referenced patent or patents means any patent or patent application, filed anywhere in the world, that: (a) is a parent, child, or other ancestral application related in any way to the referenced patent; (b) is a continuation application, continuation-in-part application, divisional application, file-wrapper continuation, reexamination proceeding, reissue application, provisional application, or abandoned application of such referenced patent or the application that led to such referenced patent; (c) claims priority in whole or in part from such referenced patent or the application that led to such referenced patent; (d) is the basis for a claim of priority in whole or in part (including claims of benefits under 35 U.S.C. §§ 119(e) or 120) for such referenced patent; (e) was contemporaneously filed with and/or incorporated by reference within the application for the referenced patent or (f) shares subject matter with such referenced patent.

8. “Named Inventor(s)” means and includes Fred B. Holt, and/or Virgil E. Bourassa.

9. “These Cases” shall mean the lawsuit(s) filed by Acceleration Bay in the District of Delaware, C.A. Nos. 15-228 (RGA), 15-282 (RGA), 15-311 (RGA), 16-453 (RGA), 16-454 (RGA), 16-455 (RGA), and related inter partes reviews, IPR2015-1951, IPR2015-1953, IPR2015-1964, IPR2015-1970, IPR2015-1972, IPR2015-1996, IPR2016-724, IPR2016-727, IPR2016-747.

10. “Communication,” “communications,” or “communicated” shall mean and shall include any oral or written expression, statements, or utterance of any nature whatsoever, including but not limited to, correspondence, conversations, memoranda, notes, computer or electronic expressions and statements and telecommunications.

11. “Documents” shall have the meaning ascribed to that term in Rule 34 of the Federal Rules of Civil Procedure, and shall also include, without limitation, all writings, printouts, graphical material, and recordings as defined by Rule 1001 of the Federal Rules of Evidence, drawings, graphs, charts, photographs, film, audio or video recordings, facsimile transmissions, computer files, and electronic mail messages, and all data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably useable form. “Documents” also includes, without limitation, anything that can be classified as a “writing,” “original,” or “duplicate. “Documents” also include all drafts, all attachments to Documents, and all copies of Documents that are not identical duplicates of the original (for example, because handwriting, marginalia, or notes appear on the duplicate or are attached to it), whether or not the originals are in Acceleration Bay’s possession, custody or control.

12. “Entity” or “entities” include natural persons, proprietorships, partnerships, firms, private corporations, public corporations, municipal corporations, governments (including foreign national governments, the government of the United States or any state or local government), all departments and agencies thereof, and any governmental agencies of any country, political subdivisions, groups, associations, or organizations.

13. “Person” or “persons” shall mean any natural person, legal entity, business or other entities, including but not limited to any corporation, partnership, unincorporated association, joint venture, sole proprietorship, government agency, business trusts, or any and/or all other organization or group of individuals; as well as any officer, director, employee, partner, corporate parent, subsidiary, affiliate, agent, representative, attorney, or principal thereof.

14. “Thing” or “things” shall mean any tangible object other than a document as defined herein, and includes objects of every kind and nature.

15. “Relating to,” “related to” or “concerning” shall mean anything pertaining to, comprising, evidencing, alluding to, responding to, connected with, commenting on, with respect to, about, regarding, resulting from, embodying, explaining, supporting, discussing, showing, describing, reflecting, analyzing, constituting, setting forth, in respect of, or having any direct or indirect logical or factual connection with the subject matter in question.

16. “Including” shall not be construed as limiting any request, and shall mean the same as “including, but not limited to.”

17. The use of the term “the” shall not be construed as limiting the scope of any document request.

18. “Any” or “each” shall be understood to include and encompass “all;” “or” shall be understood to encompass “and;” “and” shall be understood to include and encompass “OR.”

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