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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC, : CA NO. 16-453-RGA,
 : 16-454-RGA, 16-455-RGA

Plaintiff, :

v. : July 10, 2017

ACTIVISION BAY INC, et al., :

Defendants, : 9:04 o'clock a.m.

.....:

TRANSCRIPT OF MARKMAN HEARING
BEFORE THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff: POTTER, ANDERSON & CORROON
BY: PHILIP A. ROVNER, ESQ
BY: ALAN R. SILVERSTEIN, ESQ

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-and-

KRAMER, LEVIN NAFTALIS & FRANKEL

BY: PAUL J ANDRE, ESQ

BY: JAMES R. HANNAH, ESQ

BY: AARON M. FRANKEL, ESQ

For Defendants:

MORRIS, NICHOLS, ARSHT & TUNNELL

BY: JACK B. BLUMENFELD, ESQ

-and-

WINSTON & STRAWN LLP

BY: MICHAEL A. TOMASULO, ESQ

BY: MICHAEL M. MURRAY, ESQ

BY DAVID P. ENZMINGER, ESQ

BY: ANDREW R. SOMMER, ESQ

BY: DAVID K. LIN, ESQ

Also Present:

OMER SALIK

JULIA KAZAKS

Activision Blizzard Representatives

KERRY HOPKINS

Electronic Arts Representative

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LINDA ZABRISKIE
Take 2 Interactive Software, Inc.

Court Reporter: LEONARD A. DIBBS
Official Court Reporter

P R O C E E D I N G S

(The proceedings occurred at 9:04 o'clock a.m. as follows:)

:04:30 THE COURT: Good morning. Please be seated.

(All counsel responded "Good morning, your Honor.")

This is Acceleration Bay v. Activision Blizzard, Civil Action No. 16-453, and two other related cases.

:04:45 THE COURT: Mr. Rovner.

MR. ROVNER: Good morning, your Honor.

Phil Rovner from Potter Anderson for Acceleration Bay.

And with me from Kramer Levin is Paul Andre, James Hannah --

:05:05 MR. HANNAH: Good morning, your Honor.

MR. ROVNER: -- and Aaron Frankel.

Also with me from my office is Alan Silverstein.

:05:16 THE COURT: All right.

Good morning to you all.

Mr. Blumenfeld.

:05:16 MR. BLUMENFELD: Good morning your Honor.

Jack Blumenfeld from Morris Nichols for all three sets of defendants.

And with me from Winston & Straw is Mike Tomasulo, Michael Murray --

:05:28 MR. MURRAY: Good morning.

1 MR. BLUMENFELD: -- and Andrew Sommer.

2 And behind them is David Enzminger and David Lin.

3 And in the back is Linda Zabriskie from Take 2. Omer
4 Salik and Julia Kazaks from Activision. And Kerry Hopkins from
5 from Electronic Arts.

:05:43

6 THE COURT: All right.

7 Thank you, Mr. Blumenfeld. And good morning to you
8 all.

9 All right.

:05:48

10 Have you all talked how you wanted to do the terms this
11 morning?

12 MR. ANDRE: Your Honor, we did discuss it, and it's
13 really up to your Honor's discretion.

14 But what we talked about was, doing introductory
15 statements first, doing the m terms, and then they'll do the --
16 they'll do their m terms, and then we'll take the
17 means-plus-function one at a time, going back and forth.

:06:01

18 THE COURT: Sounds good.

19 MR. ANDRE: Does that work for you?

:06:14

20 MR. TOMASULO: That's fine.

21 If you want to combine your introductions straight into
22 your m terms, I don't need to go back and forth.

23 THE COURT: That's fine.

24 MR. ANDRE: Your Honor, we have some slides.

:06:25

25 May I approach.

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