

**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.)	
)	
Defendant.)	

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

ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
v.)	
)	C.A. No. 16-455 (RGA)
TAKE-TWO INTERACTIVE SOFTWARE,)	
INC., ROCKSTAR GAMES, INC. and)	
2K SPORTS, INC.,)	
)	
Defendants.)	

PLAINTIFF ACCELERATION BAY LLC’S MOTION TO COMPEL

Pursuant to the Court’s Order Appointing Special Master (D.I. 94 in C.A. No. 15-228-RGA, incorporated into this action by D.I. 62) (“Order”), Plaintiff Acceleration Bay LLC (“Acceleration Bay”) hereby moves for an order:

- (1) precluding Defendants from using at trial, or in any motion made in these actions, any agreements they have with Sony, Microsoft and Bungie, or, at minimum, compelling them to produce unredacted copies of these agreements;

(2) compelling Activision to produce withheld source code printouts for Call of Duty;

(3) compelling Defendants to supplement their responses to Acceleration Bay's

Interrogatory Nos. 2, 4 and 7-10, or at minimum, precluding Defendants from making arguments or using evidence not already in their interrogatory responses at trial, or in any motion made in these actions; and

(4) precluding Defendants from using at trial, or in any motion made in these actions, belatedly disclosed invalidity materials, witnesses and documents produced by Microsoft in response to Defendants' untimely subpoena.

The grounds for this motion are set forth in Acceleration Bay's letter brief, which will be provided to the Special Master pursuant to Paragraph 3 of the Order and the Special Master Order Relating to Procedures for Resolving Discovery Motions (D.I. 113 in C.A. No. 15-228-RGA). A telephonic hearing on this motion is scheduled for August 31, 2017 at 2:00 p.m.

Pursuant to D. Del. LR 7.1.1, Acceleration Bay states that it has made reasonable effort to reach agreement with Defendants on the matters set forth in this motion and have been informed that Defendants oppose the relief sought.

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5367479

By: /s/ Philip A. Rovner
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