

**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 STRIKE

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) striking the untimely deposition erratas of Patrick Griffith and Jason Argent for failure to comply with Rule 30(e); and
- (2) striking various portions of the invalidity expert report of Dr. Karger that assert new invalidity arguments not disclosed in Defendants’ invalidity contentions. Specifically,

Acceleration Bay seeks an order striking (1) Dr. Karger's opinions regarding the Shoubridge reference, as set forth in paragraphs 422, 454-460, 675 and 423-453 as to anticipation; (2) paragraphs 465, 466, 472, 474, 476, 479, 484, 488, 491, 493, 494, 501, 514, 516-518, 524, 532, 534, 540, 541, 543, 545, 547, 550-555, 561, 571, 576, 579-581, 603, 609, 617, 620, 623, 624, 631, 632, 634, 642, 648-653, 661, 668-671, 676-683, 932-1000, and 1208-1255 of Dr. Karger's report because they are directed to undisclosed obviousness theories; (3) paragraphs 62-251 of Dr. Karger's report because they are directed to undisclosed theories of written description, non-enablement and/or indefiniteness; (4) paragraphs 1059-1095 and 1147-1178 of Dr. Karger's report because they fail to disclose an invalidity opinion; and (5) paragraphs 271-279, 285-323, 584-587, 592-595, 598-602, 610-671, 680-683, 932-1000, 1077-1095, and 1165-1177 of Dr. Karger's report because they are directed to undisclosed invalidity theories based on Age of Empires.

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 hearing on this motion is scheduled for November 2, 2017 at 1:00 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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5500149

By: /s/ Philip A. Rovner
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