

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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

v.)

ACTIVISION BLIZZARD, INC.,)
)
Defendant.)

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

v.)

ELECTRONIC ARTS INC.,)
)
Defendant.)

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

v.)

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

STIPULATION AND [PROPOSED] ORDER

WHEREAS, a conflict has arisen for counsel for Plaintiff Acceleration Bay LLC due to the trial date for a case filed in 2014 being recently set for July 9, 2018, the same date scheduled for the start of the trial in the 16-454 action;

WHEREAS, the parties have conferred regarding changing the date for the trial in the 16-454 action, while preserving the trial dates scheduled in the other two related actions and maintaining the current order of the trials;

WHEREAS, in light of these proposed continuances of the trial dates, the parties propose further modifications to certain upcoming due dates in the above referenced actions;

WHEREAS, the parties agree that the requested schedule changes will benefit both the parties and the Court (and will not disrupt the existing trial date set in the 16-453 action);

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that the Scheduling Order (C.A. No. 16-453, D.I. No. 310) is amended as shown in the table below:

Event	Current Schedule		Amended Schedule	
	16-453 (<i>Activision</i>)	16-454 (EA) & 16-455 (<i>Take-Two</i>)	16-453 (<i>Activision</i>)	16-454 (EA) & 16-455 (<i>Take-Two</i>)
Opening Expert Reports	September 25, 2017	September 25, 2017: invalidity report October 6, 2017: all other opening reports	September 25, 2017: all opening reports (unchanged)	September 25, 2017: invalidity report (unchanged) October 10, 2017: all other opening reports
Rebuttal Expert Reports	November 8, 2017	November 8, 2017: invalidity report November 17, 2017: all other rebuttal reports	November 10, 2017: all rebuttal reports for Activision including the invalidity rebuttal report	Kegel & Terrano to be made available for deposition by October 27, 2017 November 10, 2017: validity rebuttal report December 8: all other rebuttal reports

Event	Current Schedule		Amended Schedule	
	16-453 (Activision)	16-454 (EA) & 16-455 (Take-Two)	16-453 (Activision)	16-454 (EA) & 16-455 (Take-Two)
Reply Expert Reports	December 6, 2017	December 6, 2017: invalidity reply report December 15, 2017: all other reply reports	December 8, 2017: all reply reports	December 8, 2017: invalidity reply report January 24, 2018: all other reply reports
Completed Depositions of Experts	January 10, 2018	January 31, 2018	January 10, 2018 (unchanged)	January 10, 2018: validity expert depositions February 23: all other expert depositions
Summary Judgment/ Daubert Motions	February 2, 2018	February 23, 2017	February 2, 2018 (Unchanged)	February 2, 2018: invalidity/validity March 23, 2018: other motions
Pre Trial Conf.	April 20, 2018	EA: June 29, 2018 Take-Two: August 17, 2018	April 20, 2018 (Unchanged)	EA: August 17, 2018 (previously held for Take-Two) Take-Two: Oct/Nov. 2018
Trial	April 30, 2018	EA: July 9, 2018 Take-Two: August 27, 2018	April 30, 2018 (Unchanged)	EA: August 27, 2018 (previously held for Take-Two) Take-Two: the following dates work for both parties: October 22, 2018; October 29, 2018; November 5, 2018; November 12, 2018.

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Dated: October 24, 2017

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SO ORDERED this _____ day of October, 2017

United States District Judge