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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC, : CA NO. 16-453-RGA,  
 : 16-454-RGA,  
Plaintiff, : 16-455-RGA  
 :  
v. :  
 : January 29, 2018  
ACTIVISION BLIZZARD INC., :  
 :  
Defendant, :  
..... : 10:05 o'clock a.m.

TRANSCRIPT OF MOTION FOR CLARIFICATION  
BEFORE THE HONORABLE RICHARD G. ANDREWS  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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

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BY: ALAN R. SILVERSTEIN, ESQ  
-and-  
KRAMER LEVIN NAFTALIS & FRANKEL  
BY: JAMES R. HANNAH, ESQ  
BY: PAUL J. ANDRE, ESQ  
BY: AARON M. FRANKEL, ESQ

For Defendant: MORRIS NICHOLS ARSHT & TUNNELL  
BY: STEPHEN J. KRAFTSCHIK, ESQ  
-and-  
WINSTON & STRAWN LLP  
BY: MICHAEL M. MURRAY, ESQ  
BY: DAVID P. ENZMINGER, ESQ

Court Reporter: LEONARD A. DIBBS  
Official Court Reporter

P R O C E E D I N G S

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(The proceedings occurred at 10:05 o'clock a.m. as follows:)

10:05:15

THE COURT: All right. Please be seated.

This is time the Court has set for a hearing with witnesses in Acceleration Bay v. Activision Blizzard, Civil Action No. 16-453, and two related cases.

10:05:33

Can we have counsel's appearances, Mr. Rovner?

MR. ROVNER: Good morning, your Honor.

Phil Rovner from Potter Anderson for Plaintiff Acceleration Bay.

With me from Kramer Levin is Jim Hannah.

MR. HANNAH: Good morning, your Honor.

10:05:41

MR. ROVNER: Paul Andre and Aaron Frankel.

And from my office Alan Silverstein.

Dr. Mitzenmacher, who you'll be hearing from, is in the back.

THE COURT: All right. Thank you.

10:05:53

Mr. Kraftschik?

MR. KRATTSCHIK: Good morning, your Honor.

Stephen Kraftschik from Morris Nichols for defendants.

With me today from Winston & Strawn are Michael Murray and David Enzminger.

10:06:07

MR. MURRAY: Good morning, your Honor.

1 MR. ENZMINGER: Good morning, your Honor.

2 THE COURT: Good morning to you all.

3 Plaintiff, I presume you're going first?

4 MR. MURRAY: Excuse me, your Honor.

10:06:17 5 May I say one thing for the record before we get  
6 started?

7 THE COURT: Yes.

8 MR. MURRAY: We were just told right before the hearing  
9 started that the witness who put the Declaration in addressing  
10:06:27 10 this term to the Court is actually not the witness that they're  
11 calling today.

12 THE COURT: Well, they said Dr. Mitzenmacher. I  
13 thought it was probably going to be Dr. Medvidovic.

14 MR. MURRAY: So we were under the assumption that they  
10:06:39 15 were bringing the witness in for the Declaration on its term,  
16 and they did not.

17 I just want that to be on the record.

18 THE COURT: Okay.

19 MR. HANNAH: Thank you, your Honor.

10:06:45 20 THE COURT: Go ahead, Mr. Hannah.

21 MR. HANNAH: So, your Honor, we were just calling to  
22 call the witness and have him testify on direct examination, and  
23 let them do cross-examination and then redirect.

24 THE COURT: That's what I had in mind.

10:06:56 25 MR. HANNAH: We would like to call to the stand Dr.

1 Mitzenmacher, please.

2 DR. MICHAEL MITZENMACHER, after having been first duly  
3 sworn as a witness for the plaintiff, was examined and testified  
4 as follows:

10:07:47 5 MR. HANNAH: Your Honor, would I like to pass up some  
6 slides.

7 THE COURT: Sure.

8 MR. HANNAH: I have a couple of clean copies of the  
9 '344 patent, if you don't have them readily accessible.

10:07:59 10 THE COURT: Okay.

11 MR. HANNAH: May it please the Court?

12 THE COURT: Yes.

13 DIRECT EXAMINATION

14 BY MR. HANNAH:

10:08:22 15 Q. Good morning, Dr. Mitzenmacher.

16 A. Good morning.

17 Q. Can you please start out by describing your educational  
18 background?

19 A. Sure.

10:08:30 20 I was an Undergraduate at Harvard University. I  
21 received an Undergraduate Degree in Mathematics and Computer  
22 Science in 1991.

23 I then went to the other Cambridge, the University of  
24 Cambridge for a year in England where I did a mathematics  
10:08:46 25 program called the Part 3 Triopods, and received a certificate

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