

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.)

**DEFENDANT’S MOTION TO DISMISS WITH PREJUDICE
AND FOR MONETARY SANCTIONS FOR VIOLATION OF RULE 11**

Defendant Activision|Blizzard, Inc. (“Activision”) moves under Rule 11(c) and (b)(1)–(3) of the Federal Rules of Civil Procedure for dismissal with prejudice of the patent infringement claims asserted by Plaintiff Acceleration Bay LLC and for monetary sanctions against Plaintiff and its counsel, including Aaron M. Frankel, Lisa Kobialka, and Paul J. Andre of Kramer Levin Naftalis & Frankel LLP, and Philip A. Rovner and Jonathan A. Choa of Potter Anderson & Corroon LLP. The grounds for this motion are set forth in Activision’s Opening Brief in Support of Defendant’s Motion to Dismiss with Prejudice and for Monetary Sanctions for Violation of Rule 11, submitted contemporaneously herewith.

In accordance with Federal Rule of Civil Procedure 11(c)(2), it has been more than 21 days since this motion and the brief in support of this motion were served under Rule 5 on Plaintiff and its counsel.

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February 15, 2017

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 ACTIVISION BLIZZARD, INC.,)
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 Defendant.)

ORDER

Having considered Defendant Activision|Blizzard, Inc.'s Motion to Dismiss with Prejudice and for Monetary Sanctions for Violation of Rule 11,

IT IS HEREBY ORDERED this ____ day of _____, 2017, that the Motion is GRANTED.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2017, copies of the foregoing were caused to

be served upon the following in the manner indicated:

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VIA HAND DELIVERY

I further certify that on February 15, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on February 15, 2017, upon the following in the manner indicated:

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