

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.,)	REDACTED - PUBLIC VERSION
)	
Defendant.)	

**DECLARATION OF DAVID R. KARGER, Ph.D IN SUPPORT OF DEFENDANTS’
OPPOSITION TO ACCELERATION BAY’S MOTION FOR SUMMARY JUDGMENT
OF VALIDITY
VOLUME 1 OF 2**

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1. I am currently a professor at the Massachusetts Institute of Technology (“M.I.T.”) where I am a member of the Computer Science and Artificial Intelligence Laboratory and the Electrical Engineering and Computer Science Department.

2. I have been retained on behalf of Defendants Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., 2K Sports, Inc., and Rockstar Games, Inc. to provide my expert opinions about the validity of certain patent claims found in U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; 6,732,147; and 6,910,069.

3. I am being compensated at my standard rate of [REDACTED] per hour for my services. I have no financial interest in the outcome of these litigations between Defendants and Acceleration Bay LLC.

4. **Appendix A** is my *Curriculum Vitae* and my Faculty Personnel Record. I provide a summary of certain experience that I have relevant to the technical field of the Asserted Patents in paragraphs 3 to 11 of my Expert Report Regarding Invalidity of Certain Claims From U.S. Patent Nos. 6,701,344, 6,714,966, 6,829,634, 6,910,069, 6,732,147, and 6,920,497 (“Opening Report”) (Ex. A).

5. **Appendix B** lists the testimony that I have provided in the last four years and my compensation. The opinions provided in this declaration are my own and my compensation does not depend in any way on the substance of my opinions.

6. I submit this declaration in support of Defendants’ Opposition to Acceleration Bay’s Motions for Summary Judgment.

7. Attached to Defendants’ Opposition to Acceleration Bay’s Motion for Summary Judgment Brief are true and correct excerpts of my (a) Expert Report Regarding Invalidity of Certain Claims From U.S. Patent Nos. 6,701,344, 6,714,966, 6,829,634, 6,910,069, 6,732,147, and 6,920,497

(“Opening Report”) (Ex. A), and (b) Reply Expert Report Regarding Invalidity of Certain Claims From U.S. Patent Nos. 6,701,344, 6,714,966, 6,829,634, 6,910,069, 6,732,147, and 6,920,497 (“Reply Report”) (Ex. B). In these reports, I provided analysis for why the ’497 patent is invalid in view of the prior art. The issues Plaintiff raises in its motion for summary judgment, however, do not implicate the analysis I rendered in my reports. Therefore, I do not include those sections in Exhibits A and B.¹

8. I also understand that Defendants will submit a copy of its summary judgment papers with hyperlinks linking to complete true and accurate copies of the above reports.

9. I incorporate by reference the opinions set forth in my expert reports in the above referenced matters, and declare to their contents, as if fully set forth herein.

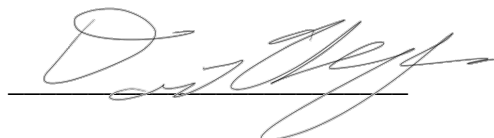
10. The statements and opinions set forth in in Exhibits A and B are true and accurate based on my personal knowledge and professional experience. Exhibits A and B also accurately reflect the facts and circumstances described therein as I understand them.

11. I expect to testify at trial in these actions regarding the opinions set forth in my expert reports, as well as on any other issues for which I have submitted or will submit an expert report in this action if asked to do so by counsel for Defendants.

I declare under penalty of perjury under the laws of the United States of America that this declaration is true, complete, and accurate to the best of my knowledge. I further acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001.

¹ I note that I also submitted a supplemental expert report due to the issuance of claim construction opinions that issued after I served my expert reports. I also do not include the supplemental report because the issues Plaintiff raises in its summary judgment brief do not implicate the opinions I rendered in my supplemental report.

Executed this 22nd day of February 2018 in Boston, MA.

A handwritten signature in black ink, appearing to read "D. Karger", is written over a horizontal line.

David R. Karger, Ph.D.

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, 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 March 8, 2018, upon the following in the manner indicated:

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