

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,)	
)	C.A. No. 16-453 (RGA)
Plaintiff,)	
)	
v.)	
)	REDACTED - PUBLIC VERSION
ACTIVISION BLIZZARD, INC.)	
)	
Defendant.)	

**DECLARATION OF DR. JOHN P. J. KELLY IN SUPPORT OF DEFENDANT
ACTIVISION BLIZZARD INC.'S OPPOSITION TO PLAINTIFF ACCELERATION
BAY, LLC'S MOTION FOR SUMMARY JUDGMENT OF
INFRINGEMENT OF CLAIM 12 OF U.S. PATENT NOS. 6,701,344**

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I. INTRODUCTION

1. My name is Dr. John P. J. Kelly, and I have been retained by counsel for Activision Blizzard, Inc. (“Activision”), to provide assistance in the above-captioned matter, which I understand to be related to the alleged infringement of certain claims in 6,701,344 (the “’344 patent”); 6,714,966 (the “’966 patent”); 6,829,634 (the “’634 patent”); and 6,920,497 (the “’497 patent”), collectively, “the Acceleration Patents” or “Asserted Patents.” I understand that Plaintiff Acceleration Bay LLC (“Acceleration” or “Plaintiff”) has asserted that the following claims are allegedly infringed: Claims 12-15 of the ’344 patent; claims 19 and 22 of the ’634 patent; claims 12 and 13 of the ’966 patent; and claims 9 and 16 of the ’497 patent (“Asserted Claims”).

2. I have been asked to provide this declaration in support of Activision’s opposition to Acceleration Bay’s motion for summary judgment of infringement of claim 12 of the ’344 Patent. My opinions in this declaration reflect the opinions in my expert report on noninfringement of November 13, 2017, and my supplemental expert report on noninfringement of January 24, 2018. Attached to Defendants’ Opposition to Acceleration Bay’s Motion for Summary Judgment Brief as Exhibit A-12 is a true and correct copy of my Expert Report of Dr. John P. J. Kelly Regarding Noninfringement of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,920,497, dated November 13, 2017. I also incorporate by reference the opinions set forth in my November 13, 2017 report (Ex. A-12). The statements in Exhibit A-12 are true and accurate based on my personal knowledge and professional experience. Exhibit A-12 also accurately reflects the facts and circumstances described therein as I understand them.

3. In this declaration, I set forth certain opinions regarding non-infringement of claim 12 of

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