



1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984 6000
www.potteranderson.com

Philip A. Rovner
Partner
Attorney at Law
provner@potteranderson.com
302 984-6140 Direct Phone
302 658-1192 Firm Fax

August 13, 2018

BY CM/ECF & HAND DELIVERY

The Honorable Richard G. Andrews
U.S. District Court for the District of Delaware
U.S. Courthouse
844 North King Street
Wilmington, DE 19801

Re: *Acceleration Bay LLC v. Activision Blizzard Inc.*
D. Del., C.A. No. 16-453-RGA

We write in response to Activision's August 10, 2018 offer to present yet further argument in support of its motion for summary judgment (D.I. 576). After receiving 250 pages of briefing, the Court indicated at the pretrial conference in this action that it would "direct the parties to specific summary judgment issues on which I want to hear argument." D.I. 554. The Court then issued an order calling for oral argument on five specific topics. *Id.* After the Court presided over several hours of oral argument on the parties' summary judgment motions, it directed the parties to submit supplemental briefing on a handful of issues "that were not fleshed out in the related briefing." D.I. 557, 558. The Court did not request oral argument or any further submission on the "m-regular/incomplete limitations" that are the focus of Activision's letter.

Activision does not identify any reason the Court should reconsider its prior order regarding the scope of oral argument for summary judgment. Activision did not object at the time to the Court's Order regarding the topics to be addressed at the hearing, and does not now identify any developments or changed circumstances that dictate a different result. Yet further oral argument on summary judgment is unwarranted and would only serve to waste the Court's time and the parties' resources.

Respectfully,

/s/ Philip A. Rovner

Philip A. Rovner (#3215)

cc: All Counsel of Record
5892429