

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

- - -

ACCELERATION BAY LLC, : CIVIL ACTION  
:   
Plaintiff, :   
:   
vs. :   
:   
ACTIVISION BLIZZARD, INC., :   
:   
Defendant. : NO. 16-453 (RGA)

- - -

Wilmington, Delaware  
Friday, April 20, 2018  
9:05 o'clock, a.m.

- - -

BEFORE: HONORABLE RICHARD G. ANDREWS, U.S.D.C.J.

- - -

APPEARANCES:

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

-and-

Valerie J. Gunning  
Official Court Reporter

1 APPEARANCES (Continued) :

2 KRAMER LEVIN NAFTALIS & FRANKEL LLP

3 BY: PAUL J. ANDRE, ESQ. and

4 LISA J. KOLBIALKA, ESQ.

(Menlo Park, California)

5 -and-

6 KRAMER LEVIN NAFTALIS & FRANKEL LLP

7 BY: AARON M. FRANKEL, ESQ. and

8 CRISTINA L. MARTINEZ, ESQ.

9 (New York, New York)

10 Counsel for Plaintiff

11 MORRIS, NICHOLS, ARSHT & TUNNELL LLP

12 BY: JACK B. BLUMENFELD, ESQ. and

13 STEPHEN J. KRAFTSCHIK, ESQ.

14 -and-

15 WINSTON & STRAWN LLP

16 BY: DAVID P. ENZMINGER, ESQ. and

17 MICHAEL A. TOMASULO, ESQ.

18 (Los Angeles, California)

19 -and-

20 WINSTON & STRAWN LLP

21 BY: KATHLEEN BARRY, ESQ.

22 (Chicago, Illinois)

23 -and-

1       **APPEARANCES (Continued) :**

2  
3                   **WINSTON & STRAWN LLP**  
4                   **BY:   MICHAEL M. MURRAY, ESQ.**  
5                               **(New York, New York)**

6                               **-and-**

7                   **SHOOK, HARDY & BACON**  
8                   **BY:   B. TRENT WEBB, ESQ.**  
9                               **(Kansas City, Missouri) .**

10                           **Counsel for Defendant**

11                           **-   -   -**

## P R O C E E D I N G S

(Proceedings commenced in the courtroom,  
beginning at 9:05 a.m.)

THE COURT: Good morning, everyone. Please be  
seated.

So this is the time scheduled for the pretrial  
conference in Acceleration Bay versus Activision.

Can we just have on the record who is here,  
please?

Mr. Rovner?

MR. ROVNER: Good morning, Your Honor. Phil  
Rovner from Potter Anderson for plaintiff, Acceleration Bay,  
and with me from Kramer Levin is Paul Andre, Lisa Kobialka,  
Cristina Martinez, and Aaron Frankel.

THE COURT: All right. Good morning to you  
all.

MR. BLUMENFELD: Good morning, Your Honor.

THE COURT: Mr. Blumenfeld?

MR. BLUMENFELD: Good morning, Your Honor. Jack  
Blumenfeld from Morris Nichols for Activision.

At the front table, David Enzminger from Winston  
& Strawn, Trent Webb from Shook Hardy & Bacon.

At the second table, Mike Tomasulo, Kathleen

1 Barry and Mike Murray, all from Winston & Strawn.

2 And then in the second row in the back, Steve  
3 Kraftschik from Morris Nichols and Omar Zalick and Julia  
4 Kazaks from Activision.

5 THE COURT: All right. Well, good morning to  
6 you all, too.

7 All right. So I don't have too much time this  
8 morning.

9 So it's possible that, or, in fact, probable  
10 that I will have the opinions on the summary judgment and  
11 Daubert out by the end of next week. I expect that I will  
12 also make some ruling on the motions in limine by the end of  
13 next week.

14 And I see there are a few other disputes in the  
15 pretrial order. And I also have the letters about the  
16 damages report of Ms. Meyer that I issued an oral order on.

17 But I think the main thing actually is that  
18 notwithstanding all of that, there's another trial ahead of  
19 you next week, and they aren't showing any signs of going  
20 away.

21 So I'm thinking that maybe we -- so I'm  
22 perfectly happy to keep you on. Maybe they will go away,  
23 but I could also be persuaded very easily to give you  
24 another date.

25 What do you want to do?

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