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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

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**APPEARANCES (Continued) :**

**KRAMER LEVIN NAFTALIS & FRANKEL LLP**  
**BY: PAUL J. ANDRE, ESQ. and**  
**LISA J. KOLBIALKA, ESQ.**  
**(Menlo Park, California)**

**-and-**

**KRAMER LEVIN NAFTALIS & FRANKEL LLP**  
**BY: AARON M. FRANKEL, ESQ. and**  
**CRISTINA L. MARTINEZ, ESQ.**  
**(New York, New York)**

**Counsel for Plaintiff**

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**BY: JACK B. BLUMENFELD, ESQ. and**  
**STEPHEN J. KRAFTSCHIK, ESQ.**

**-and-**

**WINSTON & STRAWN LLP**  
**BY: DAVID P. ENZMINGER, ESQ. and**  
**MICHAEL A. TOMASULO, ESQ.**  
**(Los Angeles, California)**

**-and-**

**WINSTON & STRAWN LLP**  
**BY: KATHLEEN BARRY, ESQ.**  
**(Chicago, Illinois)**

**-and-**

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**APPEARANCES (Continued) :**

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

**-and-**

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

**Counsel for Defendant**

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P R O C E E D I N G S

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

08:04:07  
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08:04:43  
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08:04:56

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

08:04:57 1 Barry and Mike Murray, all from Winston & Strawn.

08:04:59 2 And then in the second row in the back, Steve  
08:05:03 3 Kraftschik from Morris Nichols and Omar Zalick and Julia  
08:05:10 4 Kazaks from Activision.

08:05:10 5 THE COURT: All right. Well, good morning to  
08:05:12 6 you all, too.

08:05:13 7 All right. So I don't have too much time this  
08:05:15 8 morning.

08:05:21 9 So it's possible that, or, in fact, probable  
08:05:26 10 that I will have the opinions on the summary judgment and  
08:05:30 11 Daubert out by the end of next week. I expect that I will  
08:05:36 12 also make some ruling on the motions in limine by the end of  
08:05:40 13 next week.

08:05:49 14 And I see there are a few other disputes in the  
08:05:52 15 pretrial order. And I also have the letters about the  
08:05:58 16 damages report of Ms. Meyer that I issued an oral order on.

08:06:12 17 But I think the main thing actually is that  
08:06:19 18 notwithstanding all of that, there's another trial ahead of  
08:06:27 19 you next week, and they aren't showing any signs of going  
08:06:34 20 away.

08:06:34 21 So I'm thinking that maybe we -- so I'm  
08:06:39 22 perfectly happy to keep you on. Maybe they will go away,  
08:06:42 23 but I could also be persuaded very easily to give you  
08:06:46 24 another date.

08:06:48 25 What do you want to do?

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