

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

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

**DECLARATION OF AARON M. FRANKEL IN SUPPORT OF PLAINTIFF
ACCELERATION BAY LLC’S OPPOSITION TO ACTIVISION’S MOTION TO
PRECLUDE DAMAGES CLAIMS AND EVIDENCE**

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Dated: October 8, 2018
Public version dated: October 16, 2018

I, Aaron M. Frankel, declare as follows:

1. I am a partner with the law firm Kramer Levin Naftalis & Frankel LLP, counsel of record for Acceleration Bay LLC (“Acceleration Bay”) for the above referenced matters. I have personal knowledge of the facts stated herein and can testify competently to those facts. I make this declaration in support of Plaintiff Acceleration Bay LLC’s Opposition to Activision’s Motion to Preclude Damages Claims and Evidence.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiff Acceleration Bay LLC’s Second Supplemental Objections & Responses to Defendant Activision Blizzard, Inc.’s First Set of Party Specific Interrogatories (No. 1), dated August 18, 2017.

3. Attached hereto as **Exhibits 2** is a true and correct copy of excerpts from Activision Blizzard, Inc.’s Brief In Support of Its Renewed Motion for Sanctions and Motion to Strike the Damages Opinion of Christine S. Meyer, Ph.D., dated October 20, 2017.

4. Attached hereto as **Exhibits 3** is a true and correct copy of excerpts from the transcript from a July 14, 2017 hearing before the Special Master.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a letter from me to counsel for Activision, dated September 21, 2018.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the Expert Report of Christine S. Meyer, Ph.D., dated September 25, 2017.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the Deposition Transcript of John Garland, dated June 6, 2017.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the LinkedIn profile for John Garland.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a document bearing Bates numbers AB-AB 004474 - AB-AB 004477.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a excerpts from a document bearing Bates numbers ATVI0030932 - ATVI0030972.

11. Attached hereto as **Exhibit 10** is a true and correct copy of *AVM Techs, LLC v. Intel Corp.*, 1:15-cv-00033-RGA, Docket No. 690 (D. Del. May 1, 2017).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 8, 2018 in New York, New York.

By: /s/ Aaron M. Frankel
Aaron M. Frankel

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