

EXHIBIT B-1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

ACTIVISION’S PROPOSED PRELIMINARY JURY INSTRUCTIONS

Pursuant to D. Del. LR 51.1(a), Defendant Activision Blizzard, Inc. (“Activision”) submits these proposed preliminary jury instructions. Activision will continue to meet with Plaintiff in an effort to reach agreement or narrow disputes before trial.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ JACK B. BLUMENFELD

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Members of the jury:

Now that you have been sworn, I have the following preliminary instructions for your guidance as jurors in this case.

1.1 COURT HAS NO OPINION¹

You will hear the evidence and decide what the facts are, and then apply those facts to the law as I will give it to you. You and only you will be the judges of the facts. You will have to decide what happened. I play no part in judging the facts. You should not take anything that I may say or do during the trial as indicating what I think of the evidence or what your verdict should be.

¹ *EMC Corporation et al. v. Pure Storage, Inc.*, 13-cv-1985-RGA, D.I. 435 (March 3, 2016) (“EMC Instructions”).

1.2 SUMMARY OF CONTENTIONS²

To help you follow the evidence, I will now give you a summary of the positions of the parties.

This is a civil case arising under the patent laws of the United States. The Plaintiff in this case is Acceleration Bay LLC, whom I will generally refer to as “Acceleration Bay” except where it is important to your deliberations that you consider them as separate companies. The Defendant in this case is Activision Blizzard, Inc., which the parties and I will often refer to simply as "Activision." Acceleration asserts infringement of five United States Patents which are directed towards a specific broadcasting channel for communicating information in a network. Each patent is identified by a seven-digit number, but, for your convenience, the parties and I will usually refer to each patent by the last three numbers of the patent number. Therefore, you will hear reference to the '344 Patent, the '966 Patent, the '069 Patent, the '147 Patent, and the '497 Patent. The parties and I will also usually refer to the patents collectively as the Asserted Patents.

In this case, Acceleration Bay alleges that Activision has infringed certain claims of the six Asserted Patents. Activision denies that it infringes any of the Asserted Patents. Activision also contends that all Asserted Claims of the Asserted Patents are invalid for various reasons.

As I mentioned, the Asserted Patents relate to a broadcasting channel for communicating information in a network. During the trial, the parties will offer testimony to familiarize you with this technology. We will also play a 20-minute video to give you an overview of the patent system.

² EMC Instructions.

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