

# EXHIBIT A

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

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

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**PLAINTIFF ACCELERATION BAY LLC’S SECOND SUPPLEMENTAL  
OBJECTIONS & RESPONSES TO DEFENDANT ACTIVISION BLIZZARD, INC.’S  
FIRST SET OF PARTY SPECIFIC INTERROGATORIES (NO. 1)**

Plaintiff Acceleration Bay LLC (“Acceleration Bay” or “Plaintiff”) hereby further responds to the First Set of Party Specific Interrogatories (No. 1) (the “Interrogatories”) of Defendant Activision Blizzard, Inc. (the “Defendant” or “Activision” ) as follows:

**RESERVATION OF RIGHTS AND GENERAL OBJECTIONS**

Plaintiff incorporates by reference the Reservation of Rights and General Objections set forth in its Responses to Defendant’s First Set of Interrogatories, served on March 30, 2017 and First Supplemental Responses to Defendant’s First Set of Interrogatories, served on June 2, 2017.

**SUPPLEMENTAL OBJECTIONS AND RESPONSES**

**ACTIVISION INTERROGATORY NO. 1:**

Identify and describe Plaintiff’s damages from Defendant’s alleged infringement assuming a finding of infringement and validity including but not limited to a royalty, a royalty rate, and a royalty base. Include in you answer the following information: (a) a detailed description of the methodology for determining the damages; (b) all facts and reasons that Plaintiff contends it should be awarded more than a reasonable royalty; (c) the largest amount of

damages that Plaintiff will seek from a jury for any infringement found by Defendant; and (d) the identity of the owner or assignee of the Asserted Patents and the licensor or potential licensor at the time damages are determined.

**RESPONSE TO ACTIVISION INTERROGATORY NO. 1:**

Plaintiff objects to this Interrogatory to the extent it calls for a legal conclusion. Plaintiff objects to this Interrogatory to the extent it is comprised of multiple subparts, which Plaintiff will count against Defendant's limit. Plaintiff objects to this Interrogatory to the extent it seeks information beyond Plaintiff's actual knowledge, custody, or control. Plaintiff objects to this Interrogatory to the extent it is incomprehensible or ambiguous, particularly as to what is meant by "should be awarded more than a reasonable royalty." Plaintiff objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Plaintiff objects to this Interrogatory to the extent it seeks information within Defendant's possession, custody, or control, or to the extent it seeks information in the public domain. Plaintiff objects to this Interrogatory as unintelligible, overly broad, unduly burdensome, and ambiguous, including, *inter alia*, the terms "including but not limited to," "detailed description of the methodology," "all facts and reasons," and "the identity of the owner or assignee of the Asserted Patents and the licensor or potential licensor at the time the damages are determined."

Plaintiff objects to this Interrogatory as premature because it seeks disclosure of documents, information, and expert testimony subject to the schedule in this action. Specifically, the Scheduling Order provides that Plaintiff will serve an expert report on damages after the completion of fact discovery. Plaintiff incorporates by reference into this response the expert report it will serve on damages.

Subject to and without waiving the foregoing general and specific objections, and to the extent Plaintiff understands this Interrogatory, Plaintiff responds as follows:

Plaintiff seeks all damages to which it is entitled under U.S. patent laws, including 35 U.S.C. § 284, arising from Defendant's infringement. Plaintiff seeks damages in an amount adequate to compensate for the infringement, which includes, but is not limited to, a reasonable royalty for the use of the invention, together with interest and costs fixed by the Court.

Additionally, Plaintiff seeks an accounting of all infringing sales and revenues.

Plaintiff also seeks an award of attorneys' fees and expenses associated with the present action under 35 U.S.C. § 285, as well as enhanced damages under 35 U.S.C. § 284. Such costs, fees, and expenses cannot be computed at the present time and depend on a variety of factors, such as the length and intensity of the litigation and the positions that Defendant take. Plaintiff incorporates by reference its response to Interrogatory No. 3.

It is not possible at this time for Plaintiff to make a finalized computation of damages (or to identify with specificity documents reasonably available that relate to categories of damages) absent further investigation, discovery, and disclosure by Defendant, particularly because much of the information necessary to make such a computation is in the possession of Defendant, and may require expert analysis. For example, Plaintiff is seeking discovery from Defendant as to the revenues generated by Defendant's infringing activities, the number of users, licenses and subscriptions provided for the infringing products, as well as any cost savings realized by Defendant through their infringement and Defendant's past licensing practices. Information related to the users and their gameplay activities, and the details regarding the design, structure, operation, features, development and testing of its multiplayer and networking functionality, without geographic limitation is relevant. Such information includes any protocols, APIs,

libraries, and SDKs that are used by peers, clients, hosts, nodes, or servers in the network to distribute messages, game data, voice data, chat data, management data, and QoS data for the accused products around the world. Moreover, Defendant's patent infringement is ongoing and the amount of damages to which Plaintiff is entitled continues to grow. Accordingly, Plaintiff reserves the right to set forth and modify its damages theories and calculations as appropriate as the litigation progresses and in view of information Defendant provides in this case, as well as anticipated expert opinions and factual information provided related to damages.

Plaintiff's investigation of this matter is ongoing and it will comply with Fed. R. Civ. P. 26(e) should additional information become known to it.

**FIRST SUPPLEMENTAL RESPONSE TO ACTIVISION INTERROGATORY NO. 1:**

Plaintiff objects to this Interrogatory to the extent it calls for a legal conclusion. Plaintiff objects to this Interrogatory to the extent it is comprised of multiple subparts, including (1) disclosure of a royalty, a royalty rate, and a royalty base; (2) a detailed description of the methodology for determining the damages; (3) all facts and reasons that Plaintiff contends it should be awarded more than a reasonable royalty; (4) the largest amount of damages that Plaintiff will seek from a jury for any infringement found by Defendant; and (5) the identity of the owner or assignee of the Asserted Patents and the licensor or potential licensor at the time damages are determined. Plaintiff will count this interrogatory as five interrogatories against Defendant's limit. Plaintiff objects to this Interrogatory to the extent it seeks information beyond Plaintiff's actual knowledge, custody, or control. Plaintiff objects to this Interrogatory to the extent it is incomprehensible or ambiguous, particularly as to what is meant by "should be awarded more than a reasonable royalty." Plaintiff objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any

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