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BY CM/ECF & HAND DELIVERY

The Honorable Richard G. Andrews
U.S. District Court for the District of Delaware
U.S. Courthouse
844 North King Street
Wilmington, DE 19801

Re: *Acceleration Bay LLC v. Activision Blizzard Inc.*
D. Del., C.A. No. 16-453-RGA

Dear Judge Andrews:

Acceleration Bay submits this letter to briefly address the Parties' dispute regarding supplemental damages reports. The Court's Case Management Order (D.I. 619) authorizes Acceleration Bay to "supplement its expert reports" to "present ... an admissible damages case." *Id.* at 2. Acceleration Bay intends to do so by providing a supplemental report from damages expert Russell Parr. Acceleration Bay informed Activision that Mr. Parr's report will be consistent with Acceleration Bay's prior disclosures in the case and overlap, in significant part, with the prior damages reports that Dr. Meyer provided. Mr. Parr is recognized for his expertise in intellectual property valuation and royalty rate analyses, and his opinions will help the jury determine the proper measure of damages given the facts of this case.

There is no merit to Activision's objection to a supplemental report from Mr. Parr. The Case Management Order did not limit Acceleration Bay to providing a supplemental report from its prior experts, and Activision has not articulated any prejudice it would suffer from a supplemental report from Mr. Parr. Nor could it. Acceleration Bay has stipulated that it will serve but one supplemental expert report, a supplemental damages report from Mr. Parr. Activision will have the opportunity to take a full deposition of Mr. Parr on his supplemental opinions and the chance to submit a motion with any objections to Mr. Parr's report. Finally, the trial in this action has been taken off calendar pending the Court's evaluation of Acceleration Bay's damages proffer, so there will be ample time for Activision to prepare its responsive damages presentation.

The Honorable Richard G. Andrews

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Respectfully,

/s/ Philip A. Rovner

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cc: All Counsel of Record (Via ECF Filing, Electronic Mail)
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