

**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. )

**STIPULATION AND JOINT STATEMENT REGARDING CASE SCHEDULE**

WHEREAS, the Court ordered the parties to submit a schedule for supplementation of the damages case in C.A. No. 16-453 (RGA) (the “*Activision* Action”) (D.I. 619);

WHEREAS, Acceleration Bay intends to provide an expert report from Russell Parr to supplement Acceleration Bay’s damages claim;

WHEREAS, Mr. Parr was first identified by Acceleration Bay on November 7, 2018;

WHEREAS, Activision objects to Acceleration Bay serving a report from Mr. Parr on the basis that he was not disclosed during discovery;

WHEREAS, Acceleration Bay agrees that it will only serve one supplemental report;

WHEREAS, subject to Activision’s objection to Acceleration Bay serving a report from Mr. Parr, Activision agrees to waive its objection to Mr. Parr receiving Activision’s highly confidential information under the protective order;

WHEREAS, Activision reserves the right to challenge Acceleration Bay’s supplemental report and proffer of proof on damages and Acceleration Bay reserves the right to challenge the expert reports Activision submits in response to Acceleration Bay’s supplemental reports regarding damages;

WHEREAS, the parties conferred regarding scheduling in the Activision action and failed to reach agreement on the following issues:

1. The schedule; and
2. Whether Acceleration Bay may offer a damages report from a new damages expert.

WHEREAS, the Parties have set forth their proposed schedules below:

<b>Event</b>	<b>Acceleration Bay's Proposal</b>	<b>Activision's Proposal</b>
Acceleration Bay serves supplemental damages expert report	12/7/18	12/7/18
Activision serves supplemental damages expert reports	1/18/19	1/25/19
Conclusion of depositions on supplemental expert reports	2/1/19	2/8/19
Acceleration Bay files proffer on its damages case	2/8/19	2/15/19
File opening brief(s) on challenge to proffer of proof and supplemental damages report(s)	2/22/19	3/15/19
File responsive brief(s)	3/15/19	4/5/19
File reply brief(s)	3/25/19	4/19/19
Hearing date	To be set by the Court	To be set by the Court

The Parties will submit letter briefs of no more than three pages setting forth their positions on these two issues on November 20, 2018.

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*Attorneys for Plaintiff*

*Attorneys for Defendant*

SO ORDERED this 28 day of November, 2018, 11

  
United States District Judge

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1/ The Court permits Acceleration Bay to submit a damages report from a new damages expert, but reserves the right to strike or limit it depending on its contents. The Court adopts Activision's proposed schedule.