

EXHIBIT 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY, LLC)
)
Plaintiff,)
)
) Civil Action No. 15-453-RGA
v.)
)
ACTIVISION BLIZZARD, INC.,)
)
Defendant.)

J. Caleb Boggs Courthouse
844 King Street
Wilmington, Delaware

Friday, October 19, 2018
8:32 a.m.
Pretrial Hearing

BEFORE: THE HONORABLE RICHARD G. ANDREWS
United States District Court Judge

APPEARANCES:

PHILIP A. ROVNER, ESQUIRE
POTTER ANDERSON & CORROON, LLP
1313 N. Market Street, 6th Floor
Hercules Building
Wilmington, Delaware 19899

-and-

PAUL ANDRE, ESQUIRE
LISA KOBIALKA, ESQUIRE
AARON M. FRANKEL, ESQUIRE
KRAMER LEVIN NAFTALIS & FRANKEL, LLP
990 Marsh Road
Menlo Park, California 94025
For the Plaintiff

04:27:27 1 Bay four days before the first day of trial. All right?

04:27:31 2 MR. WEBB: Yes, Your Honor.

04:27:32 3 THE COURT: Okay. All right.

04:27:39 4 So on the next page, Paragraph 56, I believe
04:27:49 5 that the issue in here, amid the argument is that there's
04:27:56 6 some financial information that Activision has not updated
04:28:05 7 since 2017, and Acceleration Bay would like it updated.

04:28:15 8 Is that the basic scenario?

04:28:18 9 MS. KOBIALKA: Yeah, that's correct, Your Honor.
04:28:21 10 We got revenue information up to the beginning, I think, of
04:28:24 11 2017. We moved to compel it. There was representations
04:28:27 12 made that prior to trial they would update it.

04:28:31 13 THE COURT: So hold your fire there for a
04:28:33 14 second. So I understand part of your objection is not
04:28:37 15 relevant to anything, but I guess we're going to be figuring
04:28:40 16 that out in the next few days. Besides for that, is there
04:28:43 17 some reason why you think that you don't have to do this?

04:28:48 18 MR. ENZMINGER: That's the reason, because at
04:28:49 19 the time that this was put together, they weren't advancing,
04:28:53 20 in our view, a damages case.

04:28:54 21 THE COURT: Okay. So you can update the
04:28:57 22 financial information through to when?

04:29:02 23 MR. SALIK: Through third quarter of this year,
04:29:10 24 Your Honor.

04:29:12 25 THE COURT: Okay. That's generous. All right.

04:29:14 1 So when can you do that by?

04:29:18 2 MR. SALIK: We can do it next week.

04:29:20 3 THE COURT: Next week, yeah.

04:29:24 4 MR. SALIK: We can do it as soon --

04:29:25 5 THE COURT: Can we do it on Monday?

04:29:27 6 MR. SALIK: I believe so, yes.

04:29:28 7 THE COURT: Okay. Well, thank you, sir.

04:29:34 8 All right. So moving on to the next page. So

04:29:41 9 there's Paragraph 59 what appears to be 90 "prior art

04:29:48 10 references."

04:29:49 11 I assume that, in fact, the great bulk of these

04:29:54 12 are dropping away.

04:29:58 13 MR. ENZMINGER: We -- yes. I would say the bulk

04:30:01 14 of these are dropping away.

04:30:02 15 THE COURT: Have they dropped away yet?

04:30:03 16 MR. ENZMINGER: They have not, but -- they have

04:30:11 17 not dropped away yet.

04:30:12 18 THE COURT: Okay. So are they, in fact -- I

04:30:16 19 mean, it's not 433 and a few in between, but it's like 90

04:30:22 20 exhibits in a row or in this category?

04:30:24 21 MR. ENZMINGER: Yes.

04:30:24 22 THE COURT: Okay. So are any of these, in fact,

04:30:31 23 when we were talking about this morning -- well, do you know

04:30:37 24 now -- I'm not going to make you say it right this moment,

04:30:40 25 but do you know now how much of those are really in just for

EXHIBIT 2

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.