

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,

Plaintiff,

v.

ACTIVISION BLIZZARD INC.,

Defendant.

Civil Action No. 1:16-cv-00453-RGA

**ORDER**

The Parties dispute whether Defendant must provide Plaintiff with updated user data for World of Warcraft. (D.I. 631, 632). They flagged this dispute in their Supplement Joint Proposed Pretrial Order. (D.I. 590 at ¶ 56 (disputing whether “Activision will provide updated sales and usage data for the accused products in the same form provided during fact discovery”)). I thought that I resolved the issue at the October 19, 2019 pre-trial conference when Defendant agreed, in response to my raising the Paragraph 56 issue, to provide updated information through the third quarter of 2018. (D.I. 606 at 123:3-25). Defendant now takes the position that I technically only resolved the issue regarding “financial data.” (D.I. 632 at 1). I do not agree with its understanding of the record. Rather, I understand the record to support Plaintiff’s position that Defendant agreed to update the information which was at issue in Paragraph 56 of the Proposed Pre-Trial Order. Accordingly, within one week, Defendant shall produce to Plaintiff updated user data for World of Warcraft in the same form provided during fact discovery. (*See* ATVI0033748-49).

IT IS SO ORDERED this 5 day of March 2019.

  
United States District Judge