

**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.)

**PLAINTIFF ACCELERATION BAY LLC'S MOTION TO
EXCLUDE OPINIONS OF CATHARINE M. LAWTON**

Plaintiff Acceleration Bay LLC ("Acceleration Bay") respectfully moves, pursuant to the Court's Order and the Parties' Stipulation and Joint Statement Regarding Case Schedule (D.I. 630), to exclude the testimony of Activision's expert Catharine M. Lawton pursuant to Fed. R. Evid. 702 and *Daubert v. Merrell Dow Pharma.*, 509 U.S. 579 (1993).

The grounds for this motion are fully set forth in the Opening Brief in Support of its Motion to Exclude Opinions of Catharine M. Lawton, and the Declaration of Yuridia Caire, with Exhibits 1-5, and all related briefing. Specifically, Acceleration Bay moves to exclude the opinions of Ms. Lawton regarding any purported non-infringing alternatives not addressed by Activision's technical experts. *See, e.g.*, Ex. 1, Lawton Report at ¶¶ 30, 32, 98, 100, 304, 342, 420, 586, 738, 740, 741. Acceleration Bay also seeks to exclude Ms. Lawton's opinions related to her critique of Dr. Valerdi's cost estimation opinions for the software development of a new network. *See, e.g.*, Ex. 1, Lawton Report at ¶¶ 184, 189, 190-194, 200, 212-245, 295-297, 387.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Paul J. Andre
Lisa Kobialka
James Hannah
Yuridia Caire
KRAMER LEVIN NAFTALIS
& FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
(650) 752-1700

Aaron M. Frankel
KRAMER LEVIN NAFTALIS
& FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036
(212) 715-9100

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By: /s/ Philip A. Rovner
Philip A. Rovner (#3215)
Jonathan A. Choa (#5319)
Hercules Plaza
P.O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com
jchoa@potteranderson.com

*Attorneys for Plaintiff
Acceleration Bay LLC*