

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ACCELERATION BAY LLC,)	
)	
Plaintiff,)	C.A. No. 16-453 (RGA)
v.)	
)	PUBLIC VERSION
ACTIVISION BLIZZARD, INC.)	
)	
Defendant.)	

**DECLARATION OF AARON FRANKEL IN SUPPORT OF
PLAINTIFF ACCELERATION BAY LLC'S OPPOSITION TO
DEFENDANT ACTIVISION BLIZZARD INC.'S MOTION
TO STRIKE MR. PARR'S SUPPLEMENTAL DAMAGES REPORT**

OF COUNSEL:	Philip A. Rovner (#3215)
	Jonathan A. Choa (#5319)
	POTTER ANDERSON & CORROON LLP
	Hercules Plaza
	P.O. Box 951
	Wilmington, DE 19899
	(302) 984-6000
	provner@potteranderson.com
	jchoa@potteranderson.com
	<i>Attorneys for Plaintiff</i>
	<i>Acceleration Bay LLC</i>

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

Dated: April 5, 2019
 Public version dated: April 12, 2019

I, Aaron Frankel, declare as follows:

1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel of record for Acceleration Bay LLC (“Acceleration Bay”) for the above referenced matter. I have personal knowledge of the facts stated herein and can testify competently to those facts. I make this declaration in support of Plaintiff Acceleration Bay LLC’s Opposition to Activision’s Motion to Strike Mr. Parr’s Supplemental Damages Report.

2. Attached hereto as **Exhibit 1** is a true and correct copy the Memorandum Order from *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, No. 09-MD-2118-SLR, D.I. 453 (D. Del. Oct. 22, 2013).

3. Attached hereto as **Exhibits 2** is a true and correct copy of pages 62-63 from the transcript of the deposition of Catherine M. Lawton, taken on January 25, 2018.

4. The inventors of the patents-in-suit produced at least 90 documents relating to the Boeing/Panthesis license, negotiations and relationship.

5. Attached hereto as **Exhibits 3** is a true and correct copy of pages 162-163 from the transcript of the deposition of Fred Holt, taken on May 31, 2017.

I declare under penalty of perjury of the United States of America that the foregoing is true and correct. Executed on April 5, 2019, in New York, NY.

By: /s/ Aaron Frankel
Aaron Frankel

6144867