

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.,)	REDACTED
)	PUBLIC VERSION
Defendant.)	

**DECLARATION OF JORDAN BERGSTEN IN SUPPORT OF ACTIVISION BLIZZARD
INC.'S BRIEF IN OPPOSITION TO PLAINTIFF ACCELERATION BAY'S MOTION TO
EXCLUDE OPINIONS OF CATHARINE M. LAWTON**

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Redacted Filing Date: April 15, 2019

I, Jordan Bergsten, hereby declare as follows:

1. I am an attorney with the law firm of Shook, Hardy & Bacon LLP, 2555 Grand Boulevard, Kansas City, Missouri 64108. Shook, Hardy & Bacon LLP is counsel for Defendant Activision Blizzard, Inc. (“Activision”) in the instant action. I am admitted to the bar of the State of Missouri and have been admitted in this case *pro hac vice*.

2. I make this Declaration in support of Activision’s response to Acceleration Bay’s motion to exclude opinions of Catharine M. Lawton. I am familiar with the facts contained and documents described in the same.

3. Attached as **Exhibit A** is a true and correct excerpted copy of the First Supplemental Expert Report of Catharine M. Lawton, dated January 25, 2019, designated “CONFIDENTIAL”.

4. Attached as **Exhibit B** is a true and correct excerpted copy of the Expert Report of Russell L. Parr, dated December 7, 2018.

5. Attached as **Exhibit C** is a true and correct excerpted copy the Rebuttal Expert Report of Catharine M. Lawton, dated November 13, 2017, designated “CONFIDENTIAL – OUTSIDE COUNSEL ONLY”.

6. Attached as **Exhibit D** is a true and correct copy of Exhibit 3 of the Expert Report of Christine S. Meyer, Ph.D., dated September 25, 2017, designated “CONFIDENTIAL – OUTSIDE COUNSEL ONLY”.

7. Attached as **Exhibit E** is a true and correct excerpted copy of the October 19, 2018 pretrial hearing transcript.

8. Attached as **Exhibit F** is a true and correct excerpted copy of the February 12, 2019 deposition transcript of Catharine M. Lawton.

9. Attached as **Exhibit G** is a true and correct excerpted copy of the January 25, 2018 deposition transcript of Catharine M. Lawton, designated “CONFIDENTIAL”.

10. Attached as **Exhibit H** is a true and correct excerpted copy of the Expert Report of Dr. Michael R. Macedonia, dated November 13, 2017, designated “CONFIDENTIAL – OUTSIDE COUNSEL ONLY” and “RESTRICTED HIGHLY CONFIDENTIAL ACTIVISION AND NON-PARTY SOURCE CODE”.

11. Attached as **Exhibit I** is a true and correct excerpted copy of the Expert Report of Dr. John P. J. Kelly, dated November 13, 2017, designated “CONFIDENTIAL – OUTSIDE COUNSEL ONLY” and “RESTRICTED HIGHLY CONFIDENTIAL ACTIVISION AND NON-PARTY SOURCE CODE”.

12. Attached as **Exhibit J** is a true and correct copy Defendant Activision Blizzard, Inc.’s Objections and Responses to Plaintiff Acceleration Bay LLC’s First Set of Party-Specific Interrogatories (Nos. 1-7).

13. Attached as **Exhibit K** is a true and correct excerpted copy of the Expert Report of Christine S. Meyer, Ph.D., dated September 25, 2017, designated “CONFIDENTIAL – OUTSIDE COUNSEL ONLY”.

14. Attached as **Exhibit L** is a true and correct excerpted copy of the Expert Report of Dr. Ricarco Valerdi Regarding Cost Estimates, dated September 23, 2017, “CONFIDENTIAL – OUTSIDE COUNSEL ONLY” and “RESTRICTED HIGHLY CONFIDENTIAL ACTIVISION AND NON-PARTY SOURCE CODE”.

15. Attached as **Exhibit M** is a true and correct excerpted copy of the December 21, 2017 deposition transcript of Ricardo Valerdi, designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY”.

I declare under penalty of perjury that the foregoing is true and correct

Dated: April 5, 2019

By: /s/ 
Jordan Bergsten

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on April 15, 2019, upon the following in the manner indicated:

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