

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

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

**DECLARATION OF AARON FRANKEL IN SUPPORT OF
ACCELERATION BAY LLC'S OPPOSITION TO ACTIVISION
BLIZZARD'S SUPPLEMENTAL MOTION FOR SUMMARY
JUDGMENT OF NON-INFRINGEMENT BASED ON COLLATERAL ESTOPPEL**

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 Blizzard’s Supplemental Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel.

2. Attached hereto as **Exhibit A** is a true and correct copy of pages 11 and 17 from the Expert Report of Dr. Eric Cole Regarding Technology Tutorial, served on September 25, 2017 in this matter.

3. Attached hereto as **Exhibit B** is a true and correct copy of the transcript for proceedings held on November 4, 2021 in this matter.

I declare under penalty of perjury of the United States of America that the foregoing is true and correct. Executed on December 17, 2021, in Allendale, New Jersey.

By: /s/ Aaron Frankel
Aaron Frankel