

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.)

**MOTION TO COMPEL COMPLIANCE WITH SPECIAL MASTER ORDER
NO. 2 REQUIRING FURTHER RESPONSES TO INTERROGATORIES 7 AND 9**

Pursuant to the Special Master Order Relating to Procedures for Resolving Discovery Motions (*see* C.A. No. 16-453, D.I. 62 at 2; C.A. No. 15-228, D.I. 113), Activision moves for an Order compelling Plaintiff to provide further responses to interrogatories 7 and 9 as soon as reasonably possible as previously required by Special Master Order No. 2 that, at a minimum: (1) identify with specificity all accused methods, broadcast channels and networks, including by identifying each and every participant and connection of such network or broadcast channel and explaining how each is alleged to be m-regular; and (2) explain (separately for each accused network and broadcast channel) how each accused method, network or broadcast channel is alleged to meet the limitations of each asserted claim, including with specific citations to source code. The grounds for this motion are set forth in Activision’s Brief, submitted to the Special Master herewith.

At 5:30 p.m. on March 6, 2017, thirty minutes prior to the deadline for Activision to submit this Motion, Plaintiff provided a purported supplement to interrogatories 7 and 9 for Call of Duty. Plaintiff had not previously provided a date certain for its supplementation, despite its knowledge that Activision would be submitting this Motion. Plaintiff’s supplemental response is

plainly inadequate and does not solve any of the issues addressed in Activision's Motion. Activision will provide further information in its reply brief to the Special Master.

Pursuant to D. Del. LR 7.1.1, Activision states that it has made reasonable effort to reach agreement with Acceleration Bay on the matters set forth in this motion and the parties could not reach agreement.

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March 6, 2017
10873208

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2017, 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 March 6, 2017, upon the following in the manner indicated:

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