

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC, a Delaware)
Limited Liability Corporation,)
)
Plaintiff)
)
v.) C.A. No. 16-453-RGA
)
ACTIVISION BLIZZARD, INC.,) **PUBLIC VERSION**
a Delaware Corporation,)
)
Defendant.)
)

**DECLARATION OF JOSEPH WARD IN SUPPORT OF ACCELERATION BAY'S
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND
CROSS-MOTION FOR ATTORNEYS' FEES AND SANCITIONS**

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*Attorneys for
Plaintiff Acceleration Bay LLC*

Dated: March 6, 2017
Public Version dated: March 17, 2017

I, Joseph Ward, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts.

2. I am a Silicon Valley-based technology and media entrepreneur. I have over twenty five years of experience in the media and technology industries. I am the founder and CEO of Acceleration Bay.

3. Acceleration Bay filed suit against Activision only after its counsel conducted a thorough investigation, including consulting with a leading expert, and concluded that Activision infringes Acceleration Bay's patents.

4. Since Acceleration Bay filed suit against Activision in 2015, Activision has attempted to coerce Acceleration Bay into dropping its claims by threatening and harassing me personally and companies associated with me.

5.

[REDACTED]

Activision [REDACTED] filing a retaliatory suit against xTV Networks totally unrelated to Acceleration Bay. While the suit against xTV Networks was ultimately dismissed when the Court in the Central District of California invalidated the patent Activision asserted,

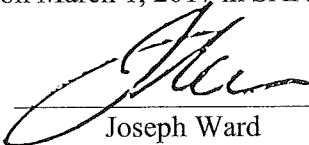
[REDACTED]

6. Activision also served three subpoenas on companies with which I am affiliated: xTV Networks (as noted above, I am its founder and CEO), Argyle Data, Inc. (former Founder and CEO) and One Model Inc. (Advisory Board Member). Activision also

served a subpoena on me personally, even though I am an officer of Acceleration Bay, which I moved to quash.

7. Most recently, on January 18, 2017, Activision personally hand served me with correspondence, claiming that Acceleration Bay's claims are baseless, and with draft Rule 11 motion papers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 1, 2017 in SAN MATEO California.



Joseph Ward