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., a Delaware Corporation,	)))	**PUBLIC VERSION**
Defendant.	)))	

DECLARATION OF NENAD MEDVIDOVIĆ IN SUPPORT OF ACCELERATION BAY'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

OF COUNSEL:

Paul J. Andre
Lisa Kobialka
Hannah Lee
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: March 6, 2017
Public Version dated: March 17, 2017

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

Attorneys for
  Plaintiff Acceleration Bay LLC

I, Nenad Medvidović, declare as follows:

1.   I have personal knowledge of the facts stated herein and can testify competently to those facts. I make this declaration in support of Acceleration Bay's Answering Brief in Opposition to Defendant's Motion to Dismiss.

2.   I received a Bachelor of Science ("BS") degree, Summa Cum Laude, from Arizona State University's Computer Science and Engineering department. I received a Master of Science ("MS") degree from the University of California at Irvine's Information and Computer Science department. I received a Doctor of Philosophy ("PhD") degree from the University of California at Irvine's Information and Computer Science department. My dissertation was entitled, "Architecture-Based Specification-Time Software Evolution."

3.   I am a Professor of Computer Science at the University of Southern California ("USC") and an expert in the field of computer science, including software and distributed systems architecture. Between January, 2009 and January 2013, I served as the Director of the Center for Systems and Software Engineering at USC. Between July, 2011 and July 2015, I served as my Department's Associate Chair for PhD Affairs. Between October 2013 and September 2015, I served as the Chair of the Steering Committee for the flagship conference in my field, the International Conference on Software Engineering (ICSE). Since July 2015, I have served as the Chair of the Association for Computing Machinery's Special Interest Group on Software Engineering (ACM SIGSOFT), the largest professional organization in my field.

4.   I teach graduate and undergraduate courses in Software Architecture, Software Engineering, Software Modeling, and Embedded Systems, and advise PhD students. I have graduated 15 PhD students and advise 7 students currently pursuing a PhD.

DOCKET
ALARM
Find authenticated court documents without watermarks at docketalarm.com.

5.	I have authored or co-authored over 200 papers in the Software Engineering field. My most cited paper has been cited over 2,400 times. I co-authored a paper presented at the 1998 ICSE, my field's flagship conference, that the conference's program and steering committees ten years later recognized with the ICSE Most Influential Paper Award.

6.	A copy of my curriculum vitae is attached hereto as Exhibit A to this declaration.

Research Conducted Prior to Filing of 2015 Case

7.	Prior to filing suit against Activision, Acceleration Bay retained me to investigate if Activision's accused Call of Duty ("CoD"), World of Warcraft ("WoW") and Destiny products (the "Accused Products") infringe the following patents: U.S. Patent Nos. 6,701,344, 6,714,966, 6,732,147, 6,829,634, 6,910,069 and 6,920,497, (the "Asserted Patents").

8.	To conduct this assignment, I reviewed the Asserted Patents, conferred with Acceleration Bay's counsel, reviewed the publicly available information, including technical literature, and researched the Accused Products. I ultimately concluded that Activision's Accused Products infringe the Asserted Patents.

9.	███
███
██
██
███████████████████████████████████

10.	Based on my investigation, it is my opinion that the Accused Products infringe Acceleration Bay's asserted patents.

Discovery in the 2015 Case

11.   Since Acceleration Bay filed suit against Activision in 2015 (the "2015 Case"), I have been involved with Acceleration Bay's discovery into the operation of the Accused Products.

12.   I have reviewed source code for both the accused CoD and WoW products. ███

██

██

13.   My review of the source code for CoD and Wow reconfirmed my opinion that the Accused Products infringe. For both products, I identified source code modules relevant to my infringement analysis and requested that these be printed. These source code modules were the focus of questioning during the subsequent depositions of ████████████████████████

████████████████████████████████

14.   ██

███████
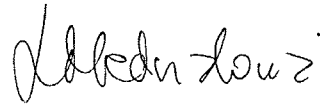
15.   As another example of my ongoing investigation, I reviewed publicly available documentation on the Joe's Automated Messages ("JAM") used in WoW. My PhD dissertation was on JAM-type messaging systems, and I subsequently spent roughly over 18 years researching these types of messaging systems.   Six of my PhD students received their doctorates studying related issues, including four of the last five. A message-based system, such as JAM, helps to decouple distributed architectures (and make them, in a sense, decentralized — i.e., to allow them to support multiple disparate agencies/ownership domains) and can be used to support flexible connection, disconnection, communication (e.g., among peers), as well as computing work load distribution.

16.   ██

██

██

██

██

██

██

██

████████████████████████████

        I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on March 3rd, 2017 in Manhattan Beach, CA.

By: _____
                Nenad Medvidović

4