

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. |) | |
| <hr/> | | |
| ACCELERATION BAY LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 16-454 (RGA) |
| |) | |
| ELECTRONIC ARTS INC., |) | |
| |) | |
| Defendant. |) | |
| <hr/> | | |
| ACCELERATION BAY LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 16-455 (RGA) |
| |) | |
| TAKE-TWO INTERACTIVE SOFTWARE, |) | |
| INC., ROCKSTAR GAMES, INC. and |) | |
| 2K SPORTS, INC., |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' JULY 5, 2017 MOTIONS TO COMPEL (A), (D) – (H)

Activision Blizzard, Inc. (“Activision”), Electronic Arts Inc. (“EA”) and Take-Two Interactive Software, Inc., Rockstar Games, Inc., and 2K Sports, Inc. (“Take-Two”) (collectively, “Defendants”) move to compel on the issues set forth in the following table:

| <u>Brief</u> | <u>Motion Title</u> | <u>Relief Sought</u> | <u>Moving Party</u> |
|---------------------|---|---|----------------------------|
| A. | Motion to Compel Compliance With Special Master Order No. 2 And Sanctions | Order under Rule 37 sanctioning Plaintiff for failing to comply with previous orders by precluding Plaintiff from supporting certain claims and from introducing certain matters into evidence, and by ordering Plaintiff to pay Activision's expenses, and ordering Plaintiff to comply with previous orders. | Activision |
| B. | Intentionally Omitted | | |
| C. | Intentionally Omitted | | |
| D. | Motion to Preclude regarding Party Specific Interrogatory No. 1 | Order precluding Plaintiff from providing additional evidence other than the information already disclosed in response to Interrogatory No. 1. | All Defendants |
| E. | Motion to Preclude regarding Party Specific Interrogatory No. 2 | Order precluding Plaintiff from arguing a different date for the hypothetical negotiation (date of first infringement). | All Defendants |
| F. | Motion to Compel Documents Responsive to Defendants' RFP nos. 139, 145, 150, 163, 165, 167, and 174 | Order compelling Plaintiff to produce documents in response to RFP Nos. 139 (communications to third parties), 145 (NDAs to Data Connections, IBM, Dassault), 150 (Source of funds), 163 (Articles of incorporation, operating agreement, and minutes), 165 (Source of revenue/loans), 167 (Payments to Boeing), and 174 (Compensation to employees). | All Defendants |
| G. | Defendants' motion for an unredacted copy of all agreements between Plaintiff and Hamilton Capital. | Order compelling Plaintiff to produce an unredacted copy of all agreements between Plaintiff and Hamilton Capital | All Defendants |

| <u>Brief</u> | <u>Motion Title</u> | <u>Relief Sought</u> | <u>Moving Party</u> |
|---------------------|---|---|----------------------------|
| H. | Defendants' motion for a protective order against further technical fact witness depositions including those noticed to date. | Order holding that Plaintiff is not entitled to take the depositions of Mark Gordon and Kurtis McCathern for Activision, Martin Clourarte and Dylan Loney for EA, and Evan Harsha for Take Two until Plaintiff has provided a complete response to Interrogatory Nos. 7 and 9 | All Defendants |

The grounds for these motions are set forth in the Opening Letter Briefs A, and D-H submitted to the Special Master herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Stephen J. Kraftschik

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Attorneys for Defendants

July 5, 2017

7.1.1 CERTIFICATION

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff and that we have not been able to reach agreement.

/s/ Stephen J. Kraftschik

Stephen J. Kraftschik (#5623)

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