

**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.)	

ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
v.)	
)	C.A. No. 16-454 (RGA)
ELECTRONIC ARTS INC.,)	
)	
Defendant.)	

ACCELERATION BAY LLC,)	
)	
Plaintiff,)	
v.)	
)	C.A. No. 16-455 (RGA)
TAKE-TWO INTERACTIVE SOFTWARE,)	
INC., ROCKSTAR GAMES, INC. and)	
2K SPORTS, INC.,)	
)	
Defendants.)	

[PROPOSED] ORDER

WHEREAS, the Special Master having considered Plaintiff Acceleration Bay LLC’s (“Acceleration Bay”) Motion to Compel and the related briefing and oral argument thereto;

IT IS HEREBY ORDERED this ___ day of _____, 2017, that Acceleration Bay’s Motion is hereby GRANTED.

- (1) Defendants are precluded from using at trial, or in any motion made in these actions, any agreements they have with Sony, Microsoft or Bungie;
- (2) Activision Blizzard Inc. must produce, within 2 days, the withheld source code printouts for Call of Duty (ATVI-SRC-COD000393 to ATVI-SRC-COD000463);
- (3) Defendants are precluded from arguing at trial, or in any motion made in these actions, that there are any non-infringing alternatives;
- (4) Within 7 days of the order, Defendants shall supplement their responses to Acceleration Bay's Interrogatory Nos. 2, 4 and 7-10;
- (5) Defendants' subpoena on Microsoft is quashed and Defendants are precluded from using at trial, or in any motion made in these actions, any documents produced by Microsoft in response to the subpoena;
- (6) Defendants are precluding from using at trial, or in any motion, any documents related to invalidity produced by them after May 2017;
- (7) Defendants are precluding from using at trial, or in any motion, any testimony or other statement by Dan Kegel; and
- (8) Defendants are precluding from using at trial, or in any motion, any testimony or other statement by Mark Terrano.

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Special Master Allen M. Terrell, Jr.