

**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 Strike 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) The untimely deposition erratas of Patrick Griffith and Jason Argent are hereby

struck from the record for failure to comply with Rule 30(e); and

(2) The following sections of Dr. Karger's invalidity expert report are hereby struck.

(1) Dr. Karger's opinions regarding the Shoubridge reference, as set forth in paragraphs 422, 454-460, 675 and 423-453 as to anticipation; (2) paragraphs 465, 466, 472, 474, 476, 479, 484, 488, 491, 493, 494, 501, 514, 516-518, 524, 532, 534, 540, 541, 543, 545, 547, 550-555, 561, 571, 576, 579-581, 603, 609, 617, 620, 623, 624, 631, 632, 634, 642, 648-653, 661, 668-671, 676-683, 932-1000, and 1208-1255 of Dr. Karger's report because they are directed to undisclosed obviousness theories; (3) paragraphs 62-251 of Dr. Karger's report because they are directed to undisclosed theories of written description, non-enablement and/or indefiniteness; (4) paragraphs 1059-1095 and 1147-1178 of Dr. Karger's report because they fail to disclose an invalidity opinion; and (5) paragraphs 271-279, 285-323, 584-587, 592-595, 598-602, 610-671, 680-683, 932-1000, 1077-1095, and 1165-1177 of Dr. Karger's report because they are directed to undisclosed invalidity theories based on Age of Empires.

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Special Master Allen M. Terrell, Jr.