1                  UNITED STATES DISTRICT COURT

2                 FOR THE DISTRICT OF DELAWARE

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4    ACCELERATION BAY LLC,          :    CA NO. 16-453-RGA,

5                                   :    16-454-RGA,

6                  Plaintiff,       :    16-455-RGA

7                                   :

8            v.                     :

9                                   :    January 29, 2018

10   ACTIVISION BLIZZARD INC.,      :

11                                  :

12                 Defendant,       :

13   ...........................:    10:05 o'clock a.m.

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17           TRANSCRIPT OF MOTION FOR CLARIFICATION

18          BEFORE THE HONORABLE RICHARD G. ANDREWS

19              UNITED STATES DISTRICT JUDGE

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22   APPEARANCES:

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24   For Plaintiff:      POTTER, ANDERSON & CORROON

25                       BY:  PHILIP A. ROVNER, ESQ

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 1                            BY:  ALAN R. SILVERSTEIN, ESQ

 2                                    -and-

 3                            KRAMER LEVIN NAFTALIS & FRANKEL

 4                            BY:  JAMES R. HANNAH, ESQ

 5                            BY:  PAUL J. ANDRE, ESQ

 6                            BY:  AARON M. FRANKEL, ESQ

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 8

 9    For Defendant:      MORRIS NICHOLS ARSHT & TUNNELL

10                            BY:  STEPHEN J. KRAFTSCHIK, ESQ

11                                    -and-

12                            WINSTON & STRAWN LLP

13                            BY:  MICHAEL M. MURRAY, ESQ

14                            BY:  DAVID P. ENZMINGER, ESQ

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24    Court Reporter:       LEONARD A. DIBBS

25                            Official Court Reporter
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1                    P R O C E E D I N G S

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3              (The proceedings occurred at 10:05 o'clock a.m. as

4    follows:)

10:05:15    5              THE COURT:  All right.  Please be seated.

6              This is time the Court has set for a hearing with

7    witnesses in <u>Acceleration Bay v. Activision Blizzard</u>, Civil

8    Action No. 16-453, and two related cases.

9              Can we have counsel's appearances, Mr. Rovner?

10:05:33   10              MR. ROVNER:  Good morning, your Honor.

11              Phil Rovner from Potter Anderson for Plaintiff

12    Acceleration Bay.

13              With me from Kramer Levin is Jim Hannah.

14              MR. HANNAH:  Good morning, your Honor.

10:05:41   15              MR. ROVNER:  Paul Andre and Aaron Frankel.

16              And from my office Alan Silverstein.

17              Dr. Mitzenmacher, who you'll be hearing from, is in the

18    back.

19              THE COURT:  All right.  Thank you.

10:05:53   20              Mr. Kraftschik?

21              MR. KRATSCHIK:  Good morning, your Honor.

22              Stephen Kraftschik from Morris Nichols for defendants.

23              With me today from Winston & Strawn are Michael Murray

24    and David Enzminger.

10:06:07   25              MR. MURRAY:  Good morning, your Honor.

1          MR. ENZMINGER:  Good morning, your Honor.

2          THE COURT:  Good morning to you all.

3          Plaintiff, I presume you're going first?

4          MR. MURRAY:  Excuse me, your Honor.

10:06:17   5          May I say one thing for the record before we get

6     started?

7          THE COURT:  Yes.

8          MR. MURRAY:  We were just told right before the hearing

9     started that the witness who put the Declaration in addressing

10:06:27   10    this term to the Court is actually not the witness that they're

11    calling today.

12         THE COURT:  Well, they said Dr. Mitzenmacher.  I

13    thought it was probably going to be Dr. Medvidovic.

14         MR. MURRAY:  So we were under the assumption that they

10:06:39   15    were bringing the witness in for the Declaration on its term,

16    and they did not.

17         I just want that to be on the record.

18         THE COURT:  Okay.

19         MR. HANNAH:  Thank you, your Honor.

10:06:45   20         THE COURT:  Go ahead, Mr. Hannah.

21         MR. HANNAH:  So, your Honor, we were just calling to

22    call the witness and have him testify on direct examination, and

23    let them do cross-examination and then redirect.

24         THE COURT:  That's what I had in mind.

10:06:56   25         MR. HANNAH:  We would like to call to the stand Dr.

1    Mitzenmacher, please.

2         DR. MICHAEL MITZENMACHER, after having been first duly

3    sworn as a witness for the plaintiff, was examined and testified

4    as follows:

10:07:47    5         MR. HANNAH:  Your Honor, would I like to pass up some

6    slides.

7              THE COURT:  Sure.

8              MR. HANNAH:  I have a couple of clean copies of the

9    '344 patent, if you don't have them readily accessible.

10:07:59    10             THE COURT:  Okay.

11             MR. HANNAH:  May it please the Court?

12             THE COURT:  Yes.

13                      DIRECT EXAMINATION

14    BY MR. HANNAH:

10:08:22    15    Q.  Good morning, Dr. Mitzenmacher.

16    A.  Good morning.

17    Q.  Can you please start out by describing your educational

18    background?

19    A.  Sure.

10:08:30    20         I was an Undergraduate at Harvard University.  I

21    received an Undergraduate Degree in Mathematics and Computer

22    Science in 1991.

23         I then went to the other Cambridge, the University of

24    Cambridge for a year in England where I did a mathematics

10:08:46    25    program called the Part 3 Triopods, and received a certificate

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