

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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

**PLAINTIFF ACCELERATION BAY LLC’S MOTION FOR PARTIAL SUMMARY
JUDGMENT AND MOTION TO EXCLUDE EXPERT TESTIMONY OF
CATHARINE M. LAWTON**

Plaintiff Acceleration Bay LLC (“Acceleration Bay”) respectfully moves, pursuant to Fed. R. Civ. P. 56, the Court’s Oral Order dated January 18, 2018, and the Scheduling Order, as amended, for summary judgment dismissing the divided infringement defense of Defendant Electronic Arts, Inc. (“EA”) and for summary judgment of infringement of United States Patent No. 6,920,497. Acceleration Bay also moves to exclude the testimony of EA’s expert Catharine M. Lawton pursuant to Fed. R. Evid. 702 and *Daubert v. Merrell Dow Pharma.*, 509 U.S. 579.

The grounds for these motions are fully set forth in the omnibus Opening Brief, the declarations of Acceleration Bay’s experts and the Declaration of Paul Andre, with Exhibits 1-66, filed contemporaneously herewith, and upon the papers, records and pleadings on file with the Court.

Pursuant to Rule 7.1.1 of the Local Rules of the United States District Court for the District of Delaware, I hereby certify that counsel for Plaintiff Acceleration Bay LLC has made reasonable efforts, including oral communication with Delaware counsel, to reach agreement with opposing counsel regarding Acceleration Bay’s motion to exclude the testimony of EA’s expert Catharine M. Lawton. EA does not agree to the relief requested.

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