

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

ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 16-454 (RGA)
v.	)	
	)	<b>PUBLIC VERSION</b>
ELECTRONIC ARTS INC.,	)	
	)	
Defendant.	)	

**DECLARATION OF PAUL J. ANDRE IN SUPPORT OF PLAINTIFF ACCELERATION  
BAY LLC’S MOTION FOR PARTIAL SUMMARY JUDGMENT AND MOTION TO  
EXCLUDE EXPERT TESTIMONY OF CATHARINE M. LAWTON**

**[VOLUME 1 of 4]**

**Exhibits 1-6**

**OF COUNSEL:**

Paul J. Andre  
Lisa Kobialka  
KRAMER LEVIN NAFTALIS  
& FRANKEL LLP  
990 Marsh Road  
Menlo Park, CA 94025  
(650) 752-1700

Aaron M. Frankel  
KRAMER LEVIN NAFTALIS  
& FRANKEL LLP  
1177 Avenue of the Americas  
New York, NY 10036  
(212) 715-9100

Philip A. Rovner (#3215)  
Jonathan A. Choa (#5319)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
provner@potteranderson.com  
jchoa@potteranderson.com

*Attorneys for Plaintiff*  
ACCELERATION BAY LLC

Dated: March 23, 2018  
Public version dated: April 4, 2018

I, Paul J. Andre, hereby declare as follows:

1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel of record for Plaintiff Acceleration Bay LLC (“Acceleration Bay”). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts. I submit this declaration in support of Acceleration Bay’s Opening Brief in Support of its Summary Judgment and *Daubert* Motions.

2. Attached hereto as Exhibit 1 is a true and correct copy the Expert Report of Nenad Medvidovic, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; 6,732,147, dated October 5, 2017.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Reply Expert Report of Nenad Medvidovic, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; 6,732,147, dated February 7, 2018.

4. Attached hereto as Exhibit 3 is a true and correct copy the Expert Report of Michael Mitzenmacher, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,920,497; 6,910,069, dated October 5, 2017.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Expert Reply Report of Michael Mitzenmacher, Ph.D., Regarding Infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,920,497 and 6,910,069, dated February 7, 2018.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Expert Report of Dr. Harry Bims Regarding Technology of U.S. Patent Nos. 6,701,344; 6,829,634; 6,732,147; 6,714,966; 6,920,497; 6,910,069, dated October 6, 2017.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Reply Expert Report of Dr. Harry Bims Regarding Technology of U.S. Patent Nos. 6,701,344; 6,829,634; 6,732,147; 6,714,966; 6,920,497; 6,910,069, dated February 7, 2018.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Expert Report of Christine S. Meyer, Ph.D., dated October 10, 2017.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Reply Expert Report of Christine S. Meyer, Ph.D., dated February 7, 2018.

10. Attached hereto as Exhibit 9 is a true and correct copy of pages 1-2, 44-45, 49, 51-56, 60-61, 63, 66, 76-80, 125, and 158-159 from the Expert Report of Dr. John P.J. Kelly Regarding Non-Infringement of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,920,497, dated December 15, 2017.

11. Attached hereto as Exhibit 10 is a true and correct copy of pages 59-60, 64, 66-68, 74-75, 77, and 80 from the Expert Report of Dr. Michael R. Macedonia Regarding Non-Infringement of U.S. Patent Nos. 6,732,147 and 6,910,069, dated December 15, 2017.

12. Attached hereto as Exhibit 11 is a true and correct copy of the Electronic Arts User Agreement, last updated as of March 2, 2017, produced by Electronic Arts, Inc., bearing bates numbers EA0039556 – 66.

13. Attached hereto as Exhibit 12 is a true and correct copy of the Electronic Arts User Agreement, last updated as of August 18, 2017, produced by Acceleration Bay, bearing bates numbers AB-EA 008408 – 19.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Electronic Arts Term of Service, last updated as of July 20, 2015, produced by Electronic Arts, Inc., bearing bates numbers EA0039531 – 44.

15. Attached hereto as Exhibit 14 is a true and correct copy of the Electronic Arts User Agreement, last updated as of October 28, 2016, produced by Electronic Arts, Inc., bearing bates numbers EA0039545 – 55.

16. Attached hereto as Exhibit 15 is a true and correct copy of pages 34-37 from the transcript of the deposition of Nicholas Channon, taken on July 26, 2017.

17. Attached hereto as Exhibit 16 is a true and correct copy of pages 14-15, 18-19, 24-27, 44-45, 46-47, and 57-58 from the transcript of the deposition of Alan Poon, taken on April 26, 2017.

18. Attached hereto as Exhibit 17 is a true and correct copy of a document titled “Blaze: Xbox One Parties Integration Guide (Blaze 14.x)” produced by Electronic Arts, Inc., bearing bates numbers EA0023770 – 77.

19. Attached hereto as Exhibit 18 is a true and correct copy of a document titled “Blaze: GameManager” produced by Electronic Arts, Inc., bearing bates numbers EA0023797 – 821.

20. Attached hereto as Exhibit 19 is a true and correct copy of pages 67 and 69 from the transcript of the deposition of David O’Neill, taken on March 9, 2017.

21. Attached hereto as Exhibit 20 is a true and correct copy of a document titled “Blaze: A Walkthrough of Game Management” produced by Electronic Arts, Inc., bearing bates numbers EA0023662 – 72.

22. Attached hereto as Exhibit 21 is a true and correct copy of a diagram produced by Electronic Arts, Inc., bearing bates number EA0023653.

23. Attached hereto as Exhibit 22 is a true and correct copy of a diagram produced by Electronic Arts, Inc., bearing bates number EA0023538.

24. Attached hereto as Exhibit 23 is a true and correct copy of a document titled “Blaze: DevGuide – Blaze Matchmaking” produced by Electronic Arts, Inc., bearing bates numbers EA0023563 – 617.

25. Attached hereto as Exhibit 24 is a true and correct copy of a diagram produced by Electronic Arts, Inc., bearing bates number EA0033641.

26. Attached hereto as Exhibit 25 is a true and correct copy of a document titled “FIFA 15 Architecture Review” produced by Electronic Arts, Inc., bearing bates numbers EA0033930 – 32.

27. Attached hereto as Exhibit 26 is a true and correct copy of a document titled “EADP Architecture Review Questions” produced by Electronic Arts, Inc., bearing bates numbers EA0033820 – 31.

28. Attached hereto as Exhibit 27 is a true and correct copy of a document titled “NHL 16 Game Services Questionnaire” produced by Electronic Arts, Inc., bearing bates numbers EA0033897 – 905.

29. Attached hereto as Exhibit 28 is a true and correct copy of a document titled “NHL 16 Review Questionnaire” produced by Electronic Arts, Inc., bearing bates numbers EA0033906 – 08.

30. Attached hereto as Exhibit 29 is a true and correct copy of a document titled “Game Services Architecture Review” produced by Electronic Arts, Inc., bearing bates numbers EA0033951 – 61.

31. Attached hereto as Exhibit 30 is a true and correct copy of a diagram titled “Plants versus Zombies Garden Warfare Online System Architecture” produced by Electronic Arts, Inc., bearing bates numbers EA0032813 – 15.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.