

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., |) | |
| |) | REDACTED - PUBLIC VERSION |
| Defendant. |) | |

**DECLARATION OF KATHLEEN B. BARRY
IN SUPPORT OF ELECTRONIC ART INC.'S OPENING BRIEF
IN SUPPORT OF ITS MOTIONS FOR SUMMARY JUDGMENT AND
TO EXCLUDE EXPERT OPINIONS UNDER FRE 702**

VOLUME 1 OF 8

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| v. |) | C.A. No. 16-454 (RGA) |
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| ELECTRONIC ARTS INC., |) | CONFIDENTIAL – |
| |) | OUTSIDE COUNSEL ONLY |
| Defendant. |) | FILED UNDER SEAL |

**DECLARATION OF KATHLEEN B. BARRY
IN SUPPORT OF ELECTRONIC ART INC.’S OPENING BRIEF
IN SUPPORT OF ITS MOTIONS FOR SUMMARY JUDGMENT AND
TO EXCLUDE EXPERT OPINIONS UNDER FRE 702**

I, Kathleen B. Barry, declare:

1. I am a partner at the law firm of Winston & Strawn LLP and counsel to Electronic Arts Inc. (“EA”) in the above-captioned matter. I declare that the following statements are true to the best of my knowledge, information, and belief, and that if called upon to testify, I could and would testify competently thereto. I make this declaration in support of EA’s Opening Brief in Support of its Motions for Summary Judgment and to Exclude Expert Opinions under FRE 702.

2. Attached as Exhibit A-1 is a true and correct copy of the expert report of Nenad Medvidović, Ph.D., regarding infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,732,147.

3. Attached as Exhibit A-2 is a true and correct copy of the expert report of Michael Mitzenmacher, Ph.D., regarding infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,920,497 and 6,910,069.

4. Attached as Exhibit A-3 is a true and correct copy of the expert reply report of Nenad Medvidović, Ph.D., regarding infringement by Electronic Arts, Inc. of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,732,147.

5. Attached as Exhibit A-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.

6. Attached as Exhibit A-5 is a true and correct copy of the expert report of John Kelly, Ph.D., regarding non-infringement of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,920,497.

7. Attached as Exhibit A-6 is a true and correct copy of the declaration of John P.J. Kelly, Ph.D. in support of defendant Electronic Arts Inc.'s Motion for Summary Judgment.

8. Attached as Exhibit A- 7 is a true and correct copy of expert report of Michael R. Macedonia, Ph.D., regarding non-infringement of U.S. Patent Nos. 6,732,147 and 6,910,069.

9. Attached as Exhibit A- 8 is a true and correct copy of the declaration of Michael R. Macedonia, Ph.D. in support of defendant Electronic Arts Inc.'s Motion for Summary Judgment.

10. Attached as Exhibit A- 9 is a true and correct copy of an EA document entitled "DirtySock : Network Topologies" bearing bates numbers EA 0023054-56.

11. Attached as Exhibit A- 10 is a true and correct copy of Defendant Electronic Arts Inc.'s Response to Plaintiff's Acceleration Bay's Second Set of Party Specific Interrogatories (Nos. 8-10).

12. Attached as Exhibit A- 11 is a true and correct copy of the February 13, 2012, email from Fred Holt to Steve Caliguri bearing bates numbers ATI03613-18.

13. Attached as Exhibit A- 12 is a true and correct copy of the excerpts of exemplary Doctrine of Equivalent arguments by Drs. Medvidovic and Mitzenmacher.

14. Attached as Exhibit A- 13 is a true and correct copy of Plaintiff Acceleration Bay's Second Supplemental Responses to Defendant Electronic Arts Inc.'s First Set of Party Specific Interrogatories.

15. Attached as Exhibit A- 14 is a true and correct copy of the Defendant Electronic Art's April 27, 2017 Supplemental Responses to Plaintiff Acceleration Bay LLC's Second Set of Common Interrogatories (Nos. 6 and 7).

16. Attached as Exhibit C-1 is a true and correct copy of the expert report of Dr. Harry Bims regarding technology of the Asserted Patents.

17. Attached as Exhibit C-2 is a true and correct copy of the expert report of Dr. Ricardo Valerdi regarding cost estimates.

18. Attached as Exhibit C-3 is a true and correct copy of the expert report of Christine S. Meyer, Ph.D.

19. Attached as Exhibit C-4 is a true and correct copy of the reply expert report of Dr. Harry Bims regarding technology of the Asserted Patents.

20. Attached as Exhibit C-5 is a true and correct copy of the reply expert report of Christine S. Meyer, Ph.D.

21. Attached as Exhibit C-6 is a true and correct copy of Defendant(s)' Responses to Plaintiff Acceleration Bay LLC's First Set of Common Interrogatories (Nos. 1-4).

22. Attached as Exhibit C-10 is a true and correct copy of the June 16, 2017 transcript of proceedings before Special master Allen M. Terrell, Jr.

23. Attached as Exhibit C-11 is a true and correct copy of the website printout bearing bates numbers AB-EA002676-87.

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