

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

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

**DECLARATION OF PAUL J. ANDRE IN SUPPORT OF PLAINTIFF
ACCELERATION BAY LLC.'S OPPOSITION TO DEFENDANT
ELECTRONIC ARTS, INC.'S MOTIONS FOR SUMMARY JUDGMENT
AND TO EXCLUDE EXPERT OPINIONS UNDER F.R.E. 702**

[VOLUME 1 of 2]

Exhibits 67 – 101

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Dated: April 13, 2018
Public version dated: April 24, 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 Opposition to Defendant Electronic Arts, Inc.’s Motions for Summary Judgment and to Exclude Expert Opinions Under F.R.E. 702.

2. Attached hereto as Exhibit 67 is a true and correct copy of the Expert Report of Ricardo Valerdi Regarding Cost Estimates, dated October 6, 2017.

3. Attached hereto as Exhibit 68 is a true and correct copy of pages 24-25, 48-49, 71-74, 107-108, 110-114, 118-124, and 159 from the transcript of the deposition of John P.J. Kelly, Ph.D., taken on March 21, 2018.

4. Attached hereto as Exhibit 69 is a true and correct copy of pages 65, 70-71, 105-107, 109-110, 112-113, 129-131, 135, 149, and 152-153 from the transcript of the deposition of Michael Macedonia, taken on March 23, 2018.

5. Attached hereto as Exhibit 70 is a true and correct copy of pages 21-26, 36, 43-44, 54-55, 67-69, 73-76, 93-100, 144-145, and 173-175 from the transcript of the deposition of Martin Clouatre, taken on August 3, 2017.

6. Attached hereto as Exhibit 71 is a true and correct copy of a diagram produced by Electronic Arts, Inc., bearing bates number EA0023977.

7. Attached hereto as Exhibit 72 is a true and correct copy of a presentation titled

[REDACTED]

[REDACTED], produced by Electronic Arts, Inc., bearing bates numbers EA0023941 – 74.

8. Attached hereto as Exhibit 73 is a true and correct copy of pages 18-19, 24-27, 49, 51-53, 72-81, 94-95, and 118 from the transcript of the deposition of Alan Poon, taken on April 26, 2017.

9. Attached hereto as Exhibit 74 is a true and correct copy of pages 26-28, 31-32, 45-48, 50, 52-54, 56, and 68 from the transcript of the deposition of Michael Smith, taken on April 25, 2017.

10. Attached hereto as Exhibit 75 is a true and correct copy of pages 15, 93-96, and 100 from the transcript of the deposition of Kam Ling Lo, taken on April 27, 2017.

11. Attached hereto as Exhibit 76 is a true and correct copy of pages 43, 67, 69-75, 97, 105-106, 108-111, 127, 175, 200, 222-225, and 256 from the transcript of the deposition of David O'Neill, taken on March 9, 2017.

12. Attached hereto as Exhibit 77 is a true and correct copy of document titled [REDACTED] produced by Electronic Arts, Inc., bearing bates numbers EA0023755 – 57.

13. Attached hereto as Exhibit 78 is a true and correct copy of a document titled [REDACTED] produced by Electronic Arts, Inc., bearing bates numbers EA0024035 – 49.

14. Attached hereto as Exhibit 79 is a true and correct copy of pages 46-47 from the transcript of the deposition of Colin Macrae, taken on June 1, 2017.

15. Attached hereto as Exhibit 80 is a true and correct copy of pages 1-11 from the patent file history of U.S. Patent No. 6,701,344.

16. Attached hereto as Exhibit 81 is a true and correct copy of Defendant Electronic Arts, Inc.'s July 31, 2017 Supplemental Responses to Acceleration Bay LLC's Second Set of Common Interrogatories (No. 6), dated July 31, 2017.

17. Attached hereto as Exhibit 82 is a true and correct copy of pages 7-8, 19-22, 31-37, 39-49, 61-62, and 86-94 from the transcript of the deposition of Glen Van Datta, taken on June 22, 2017.

18. Attached hereto as Exhibit 83 is a true and correct copy of U.S. Patent No. 7,596,633, issued September 29, 2009.

19. Attached hereto as Exhibit 84 is a true and correct copy of U.S. Patent No. 7,610,402, issued October 27, 2009.

20. Attached hereto as Exhibit 85 is a true and correct copy of U.S. Patent No. 7,610,505, issued October 27, 2009.

21. Attached hereto as Exhibit 86 is a true and correct copy of U.S. Patent No. 7,392,422, issued on June 24, 2008.

22. Attached hereto as Exhibit 87 is a true and correct copy of U.S. Patent No. 7,627,678, issued on December 1, 2009.

23. Attached hereto as Exhibit 88 is a true and correct copy of U.S. Patent No. 7,725,599, issued on May 25, 2010.

24. Attached hereto as Exhibit 89 is a true and correct copy of U.S. Patent No. 7,831,666, issued on November 9, 2010.

25. Attached hereto as Exhibit 90 is a true and correct copy of U.S. Patent No. 7,792,902, issued on September 7, 2010.

26. Attached hereto as Exhibit 91 is a true and correct copy of U.S. Patent No. 7,792,968, issued on September 7, 2010.

27. Attached hereto as Exhibit 92 is a true and correct copy of U.S. Patent No. 8,010,633, issued on August 30, 2011.

28. Attached hereto as Exhibit 93 is a true and correct copy of U.S. Patent No. 8,396,984, issued on March 12, 2013.

29. Attached hereto as Exhibit 94 is a true and correct copy of U.S. Patent No. 8,793,315, issued on July 29, 2014.

30. Attached hereto as Exhibit 95 is a true and correct copy of Uniloc USA, Inc. and Uniloc Luxembourg S.A.'s Original Complaint for Patent Infringement from *Uniloc USA, Inc. v. Electronic Arts, Inc.*, Case No. 13-cv-00259-RWS, Dkt. 1 (E.D. Tex. Mar. 21, 2013).

31. Attached hereto as Exhibit 96 is a true and correct copy of pages 107-109, 112, 123-124, 133-139, 141-142, 187-188, 197-202, 218-221, 236-237, and 244 from the transcript of Christine S. Meyer, taken on March 1, 2018.

32. Attached hereto as Exhibit 97 is a true and correct copy of pages 8-9, 16, 20-21, and 34-35 from the transcript of Natasha Radovsky, taken on May 4, 2017.

33. Attached hereto as Exhibit 98 is a true and correct copy of pages 198-204, and 213 from the transcript of Harry Bims, Ph.D., taken on January 4, 2018.

34. Attached hereto as Exhibit 99 is a true and correct copy of pages 13-17 from the Rebuttal Expert Report of Catharine M. Lawton, dated December 15, 2017.

35. Attached hereto as Exhibit 100 is a true and correct copy of pages 150-153 from the transcript of the deposition of Ricardo Valerdi Ph.D., taken on December 21, 2017.

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