

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 REPLY BRIEF IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT AND
MOTION TO EXCLUDE EXPERT TESTIMONY UNDER FRE 702**

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

**DECLARATION OF KATHLEEN B. BARRY
IN SUPPORT OF ELECTRONIC ART INC.’S REPLY BRIEF IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT AND
MOTION TO EXCLUDE EXPERT TESTIMONY 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 Electronic Art Inc.’s reply brief in support of its motion for summary judgment and motion to exclude expert testimony of Catherine M. Lawton under FRE 702.

2. Attached as Exhibit A-15 is a true and correct copy of an excerpt of a document produced as a native Excel file containing usage data for Plants vs. Zombies: Garden Warfare and Garden Warfare 2, bearing Bates number of EA0034010. The excerpt is the last sheet of the Excel file labeled Max # of Players, and the existing pivot table on the Excel sheet has been adjusted as reflected in the Declaration of Joe Netikosol.

3. Attached as Exhibit B-3 is a true and correct copy of the declaration of Joe S. Netikosol In Support of Defendant Electronic Arts Inc.’s Reply Brief in support of its motion for Summary Judgment and to Exclude Under FRE702.

4. Attached as Exhibit C-18 is a true and correct copy of the letter to Judge Andrews regarding supplemental damages expert report, dated 04/16/18 in *Acceleration Bay v. Activision Blizzard, Inc.* (16-453 RGA).

5. Attached as Exhibit C-19 is a true and correct copy of the letter to Judge Andrews regarding supplemental damages expert report, dated 04/24/18 in *Acceleration Bay v. Activision Blizzard, Inc.* (16-453 RGA).

6. Attached as Exhibit E-18 is a true and correct copy of the deposition transcript of Glen Van Datta.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of April, 2018, in Chicago, Illinois.

/s/ Kathleen B. Barry

Kathleen B. Barry

CERTIFICATE OF SERVICE

I hereby certify that May 8, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 8, 2018, upon the following in the manner indicated:

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