

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.	)	
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ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-455 (RGA)
	)	
TAKE-TWO INTERACTIVE SOFTWARE,	)	
INC., ROCKSTAR GAMES, INC., and 2K	)	
SPORTS, INC.,	)	
Defendant.	)	

**PROPOSED STIPULATED ORDER REGARDING CASE MANAGEMENT**

WHEREAS, the Court issued an Order (D.I. 513) directing the parties to meet and confer regarding the schedule for the resolution of damages issues in C.A. No. 16-454 (RGA) (the “EA Action”) and C.A. No. 16-455 (RGA) (the “Take Two Action”);

WHEREAS, the parties stipulated that Acceleration Bay’s damages theories based on the *Uniloc* verdict are stricken, that Acceleration Bay may serve a single supplemental expert report in each of the EA Action and the Take Two Action, and that the supplemental expert reports shall be substantially similar to the supplemental damages report that Acceleration Bay provided in C.A. No. 16-453 (RGA) (the “Activision Action”);

WHEREAS, the parties stipulated that, in the EA Action and the Take Two Action, Acceleration Bay will serve a supplemental damages expert report, EA and Take Two will serve

responsive reports, Acceleration Bay will serve a proffer of the damages case it intends to offer in each of the EA and Take Two Actions, and the parties will have an opportunity to take depositions and present further briefing;

WHEREAS, the parties have conferred regarding the resolution of damages issues in these actions and reached agreement on various issues, as set forth in their December 7, 2018 stipulation (D.I. 512), but were unable to reach agreement on other case management issues; and

WHEREAS, the Court scheduled oral argument on the parties' motions for summary judgment in the EA Action to be held of February 28, 2019 (D.I. 517);

WHEREAS, the Parties have agreed to follow the staggering of dates as set forth in the Activision case, but disagree when the process should begin;

WHEREAS, as set forth below, Acceleration Bay requests that the process commence after the Court has ruled on the damages issues in the Activision case, and Defendants request that the process commence in late February 2019.

The parties' proposals are set forth below and will be explained in letters to be filed tomorrow.

**A. Acceleration Bay's Proposal:**

Event	EA Action	Take Two Action
Acceleration Bay serves supplemental damages expert report	30 days after the Court rules on the parties' damages motions in the Activision Action	40 days after the Court rules on the parties' damages motions in the Activision Action

*ROA*

**B. EA and Take Two's Proposal:**

Event	EA Action	Take Two Action
Acceleration Bay serves supplemental damages expert report	2/22/19	3/8/19

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SO ORDERED this January day of 17, 2019

*Richard G. Anderson*

United States District Judge