

**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 MARCUS A. COLUCCI IN SUPPORT OF
ACCELERATION BAY LLC'S SUPPLEMENTAL BRIEF IN OPPOSITION
TO ELECTRONIC ARTS, INC.'S MOTION FOR SUMMARY JUDGMENT**

VOLUME 4 of 5

[Exhibits 25-35]

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Dated: March 15, 2019
Public version dated: March 26, 2019

I, Marcus A. Colucci, 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 LLC’s Supplemental Brief in Opposition to Electronic Arts, Inc.’s Motion for Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of a document entitled “FIFA 15 PS4/XB1/PC64 – QA Test Plan” bearing Bates numbers EA0027054-85.

3. Attached hereto as Exhibit 2 is a true and correct copy of a planning document entitled “FIFA 15 Gen3 – QA Test Plan” bearing Bates numbers EA0026605-34.

4. Attached hereto as Exhibit 3 is a true and correct copy of a document entitled “FIFA 16 Launch” bearing Bates numbers EA0028133-45.

5. Attached hereto as Exhibit 4 is a true and correct copy of an internal document entitled “FIFA 15 HD Launch” bearing Bates numbers EA0026787-98.

6. Attached hereto as Exhibit 5 is a true and correct copy of a presentation entitled “Gate 4.1 Review FIFA 15 Gen3” bearing Bates numbers EA0026799-828.

7. Attached hereto as Exhibit 6 is a true and correct copy of a document entitled “Test Brief – GM Connected Gameplay” bearing Bates numbers EA0033401 - 08.

8. Attached hereto as Exhibit 7 is a true and correct copy of a presentation entitled “Plants vs. Zombies Gate 2.0” bearing Bates numbers EA0031039 - 79.

9. Attached hereto as Exhibit 8 is a true and correct copy of a native internal spreadsheet produced by EA bearing Bates number EA0026675.

10. Attached hereto as Exhibit 9 is a true and correct copy of a native internal spreadsheet produced by EA bearing Bates number EA0026595.

11. Attached hereto as Exhibit 10 is a true and correct copy of a native internal spreadsheet produced by EA bearing Bates number EA0028375.

12. Attached hereto as Exhibit 11 is a true and correct copy of an internal diagram entitled “FIFA 16 XB1/PS4/PC” bearing Bates numbers EA0028614-16.

13. Attached hereto as Exhibit 12 is a true and correct copy of a presentation produced by EA bearing Bates numbers EA0026463-88.

14. Attached hereto as Exhibit 13 is a true and correct copy of a presentation entitled “Gate 3 Review FIFA 16 Gen 3” bearing Bates numbers EA0027891 - 934.

15. Attached hereto as Exhibit 14 is a true and correct copy of a presentation entitled “Gate 3.0 Review NHL 16” bearing Bates numbers EA0030233 - 67.

16. Attached hereto as Exhibit 15 is a true and correct copy of a presentation entitled “CE TEAM UPDATE – GEN 4” bearing Bates numbers EA0029717-24.

17. Attached hereto as Exhibit 16 is a true and correct copy of a presentation entitled “GATE 4.0 Review FUT 16 – Console” bearing Bates numbers EA0029936 - 30005.

18. Attached hereto as Exhibit 17 is a true and correct copy of a presentation entitled “GATE 2.0 Review NHL 15 Gen 4” bearing Bates numbers EA0030106 - 56.

19. Attached hereto as Exhibit 18 is a true and correct copy of a native internal spreadsheet entitled “FIFA Gen 3 – Open for Testing Tracker” bearing Bates number EA0026784.

20. Attached hereto as Exhibit 19 is a true and correct copy of a native internal spreadsheet entitled “FIFA 16 Gen 3 – Open for Testing Tracker” produced by EA bearing Bates number EA0028148.

21. Attached hereto as Exhibit 20 is a true and correct copy of a native internal spreadsheet produced by EA bearing Bates number EA0026830.

22. Attached hereto as Exhibit 21 is a true and correct copy of a native internal spreadsheet entitled “FIFA 16 Ultimate Team” produced by EA bearing Bates number EA0029918.

23. Attached hereto as Exhibit 22 is a true and correct copy of a native internal spreadsheet produced by EA bearing Bates number EA0028720.

24. Attached hereto as Exhibit 23 is a true and correct copy of a native internal spreadsheet produced by EA bearing Bates number EA0028723.

25. Attached hereto as Exhibit 24 is a true and correct copy of a native internal spreadsheet produced by EA bearing Bates number EA0029715.

26. Attached hereto as Exhibit 25 is a true and correct copy of a presentation entitled “Gate 3.2 Review FIFA 16 G4” bearing Bates numbers EA0028214-74.

27. Attached hereto as Exhibit 26 is a true and correct copy of a document entitled “Dev Ops” bearing Bates numbers EA0033133 - 219.

28. Attached hereto as Exhibit 27 is a true and correct copy of a document entitled “Stage – BM 16-2 – Matchmaking and QOS Blaze Improvements” bearing Bates numbers EA0033064 - 67.

29. Attached hereto as Exhibit 28 is a true and correct copy of pages 58-59 from the transcript of the deposition of Colin Macrae, taken on June 1, 2017.

30. Attached hereto as Exhibit 29 is a true and correct copy of page 148 from the transcript of the deposition of Martin Clouatre, taken on August 3, 2017.

31. Attached hereto as Exhibit 30 is a true and correct copy of page 51 from the transcript of the deposition of Michael Mitzenmacher, taken on March 8, 2018.

32. Attached hereto as Exhibit 31 is a true and correct copy of page 242 from the transcript of the deposition of Michael Macedonia, taken on January 9, 2018 in the *Acceleration Bay, LLC v. Activision Blizzard, Inc.*, C.A. 16-453-RGA matter.

33. Attached hereto as Exhibit 32 is a true and correct copy of pages 34-35, and 56-61 from the transcript of proceedings held on February 28, 2019, regarding Motion for Summary Judgment.

34. Attached hereto as Exhibit 33 is a true and correct copy of a document entitled “Online Features Training” bearing Bates numbers EA0033243 - 75.

35. Attached hereto as Exhibit 34 is a true and correct copy of a document entitled “EA Sports Hockey League” bearing Bates numbers EA0033276 - 302.

36. Attached hereto as Exhibit 35 is a true and correct copy of a document entitled “PvZ GW: Game Services Architecture Review” bearing Bates numbers EA0033967 - 71.

37. Attached hereto as Exhibit 36 is a true and correct copy of a presentation entitled “Gate 3.2 Review FUT 16 - Console” bearing Bates numbers EA0029857 - 913.

38. Attached hereto as Exhibit 37 is a true and correct copy of a presentation entitled “Gate 3.1 Review FIFA 16 Gen 3” bearing Bates numbers EA0027957 - 8008.

39. Attached hereto as Exhibit 38 is a true and correct copy of a document entitled “NHL 15 OTP Tech Brief” bearing Bates numbers EA0033793 - 97.

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