

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.)	

**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
OF NON-INFRINGEMENT BY COLLATERAL ESTOPPEL**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and the Court’s November 4, 2021 Oral Order, Defendant Electronic Arts Inc. moves for Summary Judgment of Non-Infringement by Collateral Estoppel. Should the Court find that collateral estoppel does not apply to Acceleration Bay’s remaining claims, summary judgment should still be granted because there are no genuine issues of fact that remain for trial.

The grounds for this motion are set forth in Electronic Art’s opening brief, submitted herewith. The precise relief sought is detailed in a proposed order accompanying this motion.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
cclark@morrisnichols.com

OF COUNSEL:

David P. Enzinger
Michael A. Tomasulo
Gino Cheng
Joe S. Netikosol
WINSTON & STRAWN LLP
333 South Grand Avenue, 38th Floor
Los Angeles, CA 90071
(213) 615-1700

Attorneys for Defendant

Louis L. Campbell
WINSTON & STRAWN LLP
275 Middlefield Road, Suite 205
Menlo Park, CA 94025
(650) 858-6500

Daniel K. Webb
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
(312) 558-5600

Joseph C. Masullo
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, DC 20006
(202) 282-5000

November 22, 2021

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.)

[PROPOSED] ORDER

Having considered Defendant Electronic Arts Inc.'s Motion for Summary Judgment of Non-Infringement by Collateral Estoppel,

IT IS HEREBY ORDERED this ____ day of _____, 2022, that the Motion is GRANTED:

1. Electronic Arts does not infringe any asserted claim of the '147, '344, or '966 patents because collateral estoppel establishes non-infringement.
2. Electronic Arts does not infringe any asserted claim of the other patents in suit, including the '497 patent, because the Court previously granted summary judgment on these claims in Electronic Arts' favor.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2021, 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 November 22, 2021, upon the following in the manner indicated:

Philip A. Rovner, Esquire
Jonathan A. Choa, Esquire
POTTER ANDERSON & CORROON LLP
1313 North Market Street, 6th Floor
Wilmington, DE 19801
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Paul J. Andre, Esquire
Lisa Kobialka, Esquire
James Hannah, Esquire
Hannah Lee, Esquire
Yuridia Caire, Esquire
Greg Proctor, Esquire
KRAMER LEVIN NAFTALIS & FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Aaron M. Frankel, Esquire
Marcus A. Colucci, Esquire
Cristina Martinez, Esquire
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)