

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.

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November 22, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,	)	
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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.

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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:

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