

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ACCELERATION BAY LLC, )  
)  
Plaintiff, )  
)  
v. ) C.A. No. 16-453 (RGA)  
)  
ACTIVISION BLIZZARD, INC., )  
)  
Defendant. )

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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., )  
)  
Defendants. )

**DECLARATION OF LISA KOBIALKA ESQ. IN SUPPORT OF PLAINTIFF  
ACCELERATION BAY LLC'S OPPOSITION TO DEFENDANTS' MOTION TO  
DISMISS, STAY OR TRANSFER TO THE NORTHERN DISTRICT OF CALIFORNIA**

I, Lisa Kobialka, declare as follows:

1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel of record for Acceleration Bay LLC (“Acceleration Bay”) for the above referenced matter. I have personal knowledge of the facts stated herein and can testify competently to those facts. I make this declaration in support of Acceleration Bay’s Opposition to the Motion to Dismiss, Transfer or Stay of Defendants Activision Blizzard, Inc. (“Activision”), Electronic Arts Inc. (“EA”), Take-Two Interactive Software, Inc., Rockstar Games, Inc. and 2K Sports, Inc.’s (collectively “Take-Two”) (Activision, EA and Take-Two are hereafter collectively referred to as “Defendants”).

2. Attached hereto as **Exhibit 1** is a true and correct copy of the webpage [www.wikipedia.org/wiki/Demonware](http://www.wikipedia.org/wiki/Demonware), accessed on July 22, 2016.

3. Acceleration Bay filed complaints against Activision, EA and Take-Two respectively on March 11, March 30 and April 13, 2015, alleging that Defendants infringe multiple patents (the “2015 Delaware Actions”). The Court consolidated the 2015 Delaware Actions for discovery, claim construction and pre-trial activities.

4. Discovery in the 2015 Delaware Actions began in December 2015, and the parties have since engaged in extensive document and interrogatory discovery.

5. Acceleration Bay served 30(b)(6) deposition notices on Defendants on January 5, 2016. After twice moving to compel deposition, Acceleration Bay took two depositions of Activision Blizzard and was scheduled to take four additional depositions of Defendants.

6. The parties collectively served 18 third-party subpoenas and served and responded to 434 requests for production and 42 interrogatories.

7. The parties and subpoenaed third parties produced over 118,000 pages of documents and held over two dozen days of source code review under the Court's protective order.

8. In the 2015 Delaware Actions, the Court and Special Master Terrell held a total of six hearings on a wide variety of topics and issued over ten substantive orders concerning a variety of issues, including the protective order, discovery disputes, infringement contentions, scheduling, case management and standing.

9. Attached hereto as **Exhibit 2** is a true and correct copy of Docket Navigator's Analytics Report for the Court, accessed on July 18, 2016.

10. Attached hereto as **Exhibit 3** is a true and correct copy of Docket Navigator Analytics Report for Judge Seeborg in the Northern District of California, accessed on July 18, 2016.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on July 25, 2016 in Menlo Park, California.

By: /s/ Lisa Kobialka  
Lisa Kobialka