

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.                     | ) |                       |
| <hr/>                          |   |                       |
| ACCELERATION BAY LLC,          | ) |                       |
|                                | ) |                       |
| Plaintiff,                     | ) |                       |
|                                | ) |                       |
| v.                             | ) | C.A. No. 16-454 (RGA) |
|                                | ) |                       |
| ELECTRONIC ARTS INC.,          | ) |                       |
|                                | ) |                       |
| Defendant.                     | ) |                       |
| <hr/>                          |   |                       |
| ACCELERATION BAY LLC,          | ) |                       |
|                                | ) |                       |
| Plaintiff,                     | ) |                       |
|                                | ) |                       |
| v.                             | ) | C.A. No. 16-455 (RGA) |
|                                | ) |                       |
| TAKE-TWO INTERACTIVE SOFTWARE, | ) |                       |
| INC., ROCKSTAR GAMES, INC. and | ) |                       |
| 2K SPORTS, INC.,               | ) |                       |
|                                | ) |                       |
| Defendants.                    | ) |                       |

**DEFENDANTS' AUGUST 16, 2017 MOTIONS TO COMPEL (A) – (F)**

Activision Blizzard, Inc. (“Activision”), Electronic Arts Inc. (“EA”) and Take-Two Interactive Software, Inc., Rockstar Games, Inc., and 2K Sports, Inc. (“Take-Two”) (collectively, “Defendants”) move to compel on the issues set forth in the following table:

| <b><u>Brief</u></b> | <b><u>Motion Title</u></b>   | <b><u>Relief Sought</u></b>   | <b><u>Moving Party</u></b>   |
|---------------------|--|---|------------------------------|
| A.                  | Motion to Compel Compliance With Special Master Order No. 2 And Sanctions                    | Order under Rule 37 sanctioning Plaintiff for failing to comply with previous orders by precluding Plaintiff from supporting certain claims and from introducing certain matters into evidence, and by ordering Plaintiff to pay EA and Take-Two's expenses, and ordering Plaintiff to comply with previous orders. | Electronic Arts and Take-Two |
| B.                  | Motion to Preclude, Strike and Compel and for an Order to Show Cause Regarding Dr. Abarbanel | Order precluding Plaintiff from relying on Dr. Abarbanel's testimony, striking his errata, and compelling Kramer Levin and the witness to explain their conduct and produce all communications and relevant documents. Alternatively, Dr. Abarbanel should be made available for another deposition.                | All Defendants               |
| C.                  | Motion to Establish Framework for Expert Discovery   | Order establishing a framework for expert discovery, including page limits, citation requirements, and other rules for expert reports and depositions.  | All Defendants               |
| D.                  | Motion to Compel or Preclude Responses to Interrogatory Nos. 5, 7                            | –Order compelling Plaintiff to fully respond to interrogatory and preclude Plaintiff from relying on facts and theories not disclosed in its response.  | All Defendants               |
| E.                  | Motion to Compel or Preclude Responses to Interrogatory No. 14                               | Order compelling Plaintiff to fully respond to interrogatory and preclude Plaintiff from relying on facts and theories not disclosed in its response.   | All Defendants               |
| F.                  | Motion to Compel or Preclude Responses to Interrogatory Nos 6, 8                             | Order compelling Plaintiff to fully respond to interrogatory and preclude Plaintiff from relying on facts and theories not disclosed in its response.   | All Defendants               |

The grounds for these motions are set forth in the Opening Briefs A-F submitted to the Special Master herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Stephen J. Kraftschik*

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August 16, 2017

**7.1.1 CERTIFICATION**

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff and that we have not been able to reach agreement.

*/s/ Stephen J. Kraftschik*

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Stephen J. Kraftschik (#5623)

**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2017, 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 August 16, 2017, upon the following in the manner indicated:

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