

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

SPECIAL MASTER ORDER NO. 9 AS TO EXPERT REPORTS

On August 16, 2017 all parties filed a number of motions. Two days of hearings were scheduled. By agreement among the parties, Defendants' Motion Regarding Expert Report Framework ("Expert Motion") was expedited because opening expert reports are due within a month under the Court's current Scheduling Order. Briefs with exhibits were filed for and

against the Expert Motion. The Expert Motion was heard on August 31, 2017. This is my ruling partially granting the Expert Motion.

Defendants contend that these are unusual cases which deserve some judicial attention as the cases enter the expert phase of litigation. Two concerns drive Defendants' Expert Motion: that Plaintiff still has not articulated its infringement contentions adequately for Defendants to address them; and Plaintiff's counsel and experts have in other cases allegedly submitted multi-thousand page expert reports that obfuscate the experts' opinions. Plaintiff responds that its infringement contentions are several hundred pages per game at issue and it would be prejudiced if any limitations were imposed on its reports.

As I am tasked by the Court to manage discovery in these cases, I am seeking to balance the needs of the parties. I will set a page limitation on the expert reports that is more than the Defendants requested but less than Plaintiff suggested. Fed. R Civ. Pro. 26 already partially addresses the content of an expert's report. However, I will require each report to include a summary of the expert's opinion, as it should be helpful to avoid 'surprise' opinions arising later in the cases.

At this time I will not rule as to the length of time for expert depositions.

IT IS HEREBY ORDERED AS TO THE EXPERT MOTION: expert reports in each case shall be limited to 2,500 pages per case, exclusive of CVs and inclusive of substantive attachments. Each report must have an informative summary of the expert's opinions.

Dated: September 1, 2017

/s/ Allen M. Terrell, Jr.
Allen M. Terrell, Jr., Special Master