

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

ACCELERATION BAY LLC, )  
)  
Plaintiff, )  
) C.A. No. 16-453 (RGA)

v. )

ACTIVISION BLIZZARD, INC., )  
)  
Defendant. )

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ACCELERATION BAY LLC, )  
)  
Plaintiff, )  
) C.A. No. 16-454 (RGA)

v. )

ELECTRONIC ARTS INC., )  
)  
Defendant. )

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ACCELERATION BAY LLC, )  
)  
Plaintiff, )  
) C.A. No. 16-455 (RGA)

v. )

TAKE-TWO INTERACTIVE SOFTWARE, )  
INC., ROCKSTAR GAMES, INC., and 2K )  
SPORTS, INC., )  
)  
Defendants. )

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, a conflict has arisen for counsel for Plaintiff Acceleration Bay LLC due to the trial date for a case filed in 2014 being recently set for July 9, 2018, the same date scheduled for the start of the trial in the 16-454 action;

WHEREAS, the parties have conferred regarding changing the date for the trial in the 16-454 action, while preserving the trial dates scheduled in the other two related actions and maintaining the current order of the trials;

WHEREAS, in light of these proposed continuances of the trial dates, the parties propose further modifications to certain upcoming due dates in the above referenced actions;

WHEREAS, the parties agree that the requested schedule changes will benefit both the parties and the Court (and will not disrupt the existing trial date set in the 16-453 action);

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that the Scheduling Order (C.A. No. 16-453, D.I. No. 310) is amended as shown in the table below:

| Event                   | Current Schedule                |  | Amended Schedule  |  |
|-------------------------|---------------------------------|--|---|--|
|                         | 16-453<br>( <i>Activision</i> ) | 16-454 (EA)<br>&<br>16-455<br>( <i>Take-Two</i> )                                    | 16-453 ( <i>Activision</i> )  | 16-454 (EA) &<br>16-455 ( <i>Take-Two</i> )  |
| Opening Expert Reports  | September 25, 2017              | September 25, 2017: invalidity report<br>October 6, 2017: all other opening reports  | September 25, 2017: all opening reports (unchanged)   | September 25, 2017: invalidity report (unchanged)<br>October 10, 2017: all other opening reports   |
| Rebuttal Expert Reports | November 8, 2017                | November 8, 2017: invalidity report<br>November 17, 2017: all other rebuttal reports | November 10, 2017: all rebuttal reports for Activision including the invalidity rebuttal report | Kegel & Terrano to be made available for deposition by October 27, 2017<br>November 10, 2017: validity rebuttal report<br>December 8: all other rebuttal reports |

| Event                                   | Current Schedule       |  | Amended Schedule                       |   |
|---|------------------------|--|--|---|
|   | 16-453<br>(Activision) | 16-454 (EA)<br>&<br>16-455<br>(Take-Two)   | 16-453 (Activision)                    | 16-454 (EA) &<br>16-455 (Take-Two)  |
| Reply Expert Reports                    | December 6, 2017       | December 6, 2017:<br>invalidity<br>reply report<br>December 15, 2017: all other<br>reply reports | December 8, 2017:<br>all reply reports | December 8, 2017:<br>invalidity reply report<br>January 24, 2018: all<br>other reply reports  |
| Completed Depositions of Experts        | January 10, 2018       | January 31, 2018   | January 10, 2018<br>(unchanged)        | January 10, 2018:<br>validity expert<br>depositions<br>February 23: all other<br>expert depositions   |
| Summary Judgment/<br>Daubert<br>Motions | February 2, 2018       | February 23, 2017  | February 2, 2018<br>(Unchanged)        | February 2, 2018:<br>invalidity/validity<br>March 23, 2018: other<br>motions  |
| Pre Trial Conf.                         | April 20, 2018         | EA: June 29, 2018<br>Take-Two:<br>August 17, 2018  | April 20, 2018<br>(Unchanged)          | EA: August 17, 2018<br>(previously held for<br>Take-Two)<br><br>Take-Two: Oct/Nov.<br>2018  |
| Trial                                   | April 30, 2018         | EA: July 9, 2018<br>Take-Two:<br>August 27, 2018   | April 30, 2018<br>(Unchanged)          | EA: August 27, 2018<br>(previously held for<br>Take-Two)<br><br>Take-Two: the<br>following dates work<br>for both parties:<br>October 22, 2018;<br>October 29, 2018;<br>November 5, 2018;<br>November 12, 2018. |

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Dated: October 24, 2017

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SO ORDERED this \_\_\_\_\_ day of October, 2017

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United States District Judge