

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET
P.O. BOX 1347
WILMINGTON, DELAWARE 19899-1347

(302) 658-9200
(302) 658-3989 FAX

JACK B. BLUMENFELD
(302) 351-9291
(302) 425-3012 FAX
jblumenfeld@mnat.com

October 31, 2017

The Honorable Richard G. Andrews
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: Acceleration Bay LLC; C.A. Nos. 16-453 (RGA); 16-454 (RGA); and 16-455 (RGA)

Dear Judge Andrews:

I write to respond to Plaintiff's letter of earlier today. Defendants stated in their letter last Friday that on October 20, 2017, "Plaintiff moved to strike some of Defendants' invalidity expert report, including contentions based on Alagar, with the Special Master," and that Plaintiff seeks "similar relief" from the Special Master as it seeks from this Court. Both statements are correct.

Before this Court, Plaintiff contends that Defendants did not disclose Alagar as an elected reference in the manner required by the Scheduling Order and seeks preclusion of Alagar as an invalidity reference. Before the Special Master, Plaintiff contends that Defendants' invalidity contentions did not disclose Alagar-based obviousness combinations, as required by the Scheduling Order, and seeks preclusion of all Alagar-based obviousness combinations. (See pages 16-18 of Exhibit 1 to Plaintiff's letter of today, which shows the Alagar-based obviousness combinations it seeks to strike.)

Defendants responded to Plaintiff's motion before the Special Master yesterday, including addressing the disclosure point. That motion to strike is scheduled to be heard by the Special Master this Thursday, November 2, 2017, along with Activision's motions to strike infringement and damages contentions asserted for the first time in Plaintiff's expert reports.

Respectfully,

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

JBB/dlw

cc: Clerk of Court (Via Hand Delivery)
All Counsel of Record (Via Electronic Mail)