

**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. )

**PLAINTIFF ACCELERATION BAY LLC’S MOTION TO STRIKE**

Pursuant to the Court’s Order Appointing Special Master (D.I. 94 in C.A. No. 15-228-RGA, incorporated into this action by D.I. 62) (“Order”) and the Court’s oral order on November 1, 2017, Plaintiff Acceleration Bay LLC (“Acceleration Bay”) hereby moves for an order striking Defendants’ reference to S. Alagar et al., “Reliable Broadcast in Mobile Wireless Networks, in Conference Record:MILCOM'95, IEEE Military Communications Conference, November 6-8 1995, San Diego, CA, Vol. 1, (IEEE, November 1995) (the “Alagar prior art

reference”) because Defendants did not include it in their initial election of prior art and have not sought leave to amend their election to include this new reference.

The grounds for this motion are set forth in Acceleration Bay’s letter brief, which will be provided to the Special Master pursuant to Paragraph 3 of the Order and the Special Master Order Relating to Procedures for Resolving Discovery Motions (D.I. 113 in C.A. No. 15-228-RGA). A telephonic hearing on this motion is scheduled for November 20, 2017 at 12:00 p.m.

Pursuant to D. Del. LR 7.1.1, Acceleration Bay states that it has made reasonable effort to reach agreement with Defendants on the matters set forth in this motion and have been informed that Defendants oppose the relief sought.

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Dated: November 9, 2017  
5556113

By: /s/ Philip A. Rovner  
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