

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

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 COMPEL

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”), Plaintiff Acceleration Bay LLC (“Acceleration Bay”) hereby moves for an order compelling Defendant Take-Two Interactive Software (“Take-Two” or “Defendant”) to comply with its agreement during the November 2, 2017 hearing. Specifically, Take-Two should be ordered to produce, in Excel format, the total number of unique users worldwide of the accused NBA2K products, for the timeframe of April 2015 through the present, including: (i) the total number of unique users for NBA 2K15 and 2K16, (ii) the total number of unique users of the different modes, (iii) the break-down of how many unique users are participating in a particular mode, *i.e.* one player, two to four players, more than four players, and (iv) the breakdown of these players participating in the United States as well as the rest of the world.

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 January 31, 2018.

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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5603635

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