

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC, : CA NO. 16-453-RGA,
 : 16-454-RGA,
Plaintiff, : 16-455-RGA
 :
v. :
 : January 29, 2018
ACTIVISION BLIZZARD INC., :
 :
Defendant, :
..... : 10:05 o'clock a.m.

TRANSCRIPT OF MOTION FOR CLARIFICATION
BEFORE THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff: POTTER, ANDERSON & CORROON
BY: PHILIP A. ROVNER, ESQ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY: ALAN R. SILVERSTEIN, ESQ
-and-
KRAMER LEVIN NAFTALIS & FRANKEL
BY: JAMES R. HANNAH, ESQ
BY: PAUL J. ANDRE, ESQ
BY: AARON M. FRANKEL, ESQ

For Defendant: MORRIS NICHOLS ARSHT & TUNNELL
BY: STEPHEN J. KRAFTSCHIK, ESQ

-and-
WINSTON & STRAWN LLP
BY: MICHAEL M. MURRAY, ESQ
BY: DAVID P. ENZMINGER, ESQ

Court Reporter: LEONARD A. DIBBS
Official Court Reporter

P R O C E E D I N G S

(The proceedings occurred at 10:05 o'clock a.m. as follows:)

10:05:15 THE COURT: All right. Please be seated.

This is time the Court has set for a hearing with witnesses in Acceleration Bay v. Activision Blizzard, Civil Action No. 16-453, and two related cases.

Can we have counsel's appearances, Mr. Rovner?

10:05:33 MR. ROVNER: Good morning, your Honor.

Phil Rovner from Potter Anderson for Plaintiff Acceleration Bay.

With me from Kramer Levin is Jim Hannah.

MR. HANNAH: Good morning, your Honor.

10:05:41 MR. ROVNER: Paul Andre and Aaron Frankel.

And from my office Alan Silverstein.

Dr. Mitzenmacher, who you'll be hearing from, is in the back.

THE COURT: All right. Thank you.

10:05:53 Mr. Kraftschik?

MR. KRATTSCHIK: Good morning, your Honor.

Stephen Kraftschik from Morris Nichols for defendants.

With me today from Winston & Strawn are Michael Murray and David Enzminger.

10:06:07 MR. MURRAY: Good morning, your Honor.

1 MR. ENZMINGER: Good morning, your Honor.

2 THE COURT: Good morning to you all.

3 Plaintiff, I presume you're going first?

4 MR. MURRAY: Excuse me, your Honor.

10:06:17 5 May I say one thing for the record before we get
6 started?

7 THE COURT: Yes.

8 MR. MURRAY: We were just told right before the hearing
9 started that the witness who put the Declaration in addressing
10:06:27 10 this term to the Court is actually not the witness that they're
11 calling today.

12 THE COURT: Well, they said Dr. Mitzenmacher. I
13 thought it was probably going to be Dr. Medvidovic.

14 MR. MURRAY: So we were under the assumption that they
10:06:39 15 were bringing the witness in for the Declaration on its term,
16 and they did not.

17 I just want that to be on the record.

18 THE COURT: Okay.

19 MR. HANNAH: Thank you, your Honor.

10:06:45 20 THE COURT: Go ahead, Mr. Hannah.

21 MR. HANNAH: So, your Honor, we were just calling to
22 call the witness and have him testify on direct examination, and
23 let them do cross-examination and then redirect.

24 THE COURT: That's what I had in mind.

10:06:56 25 MR. HANNAH: We would like to call to the stand Dr.

1 Mitzenmacher, please.

2 DR. MICHAEL MITZENMACHER, after having been first duly
3 sworn as a witness for the plaintiff, was examined and testified
4 as follows:

10:07:47 5 MR. HANNAH: Your Honor, would I like to pass up some
6 slides.

7 THE COURT: Sure.

8 MR. HANNAH: I have a couple of clean copies of the
9 '344 patent, if you don't have them readily accessible.

10:07:59 10 THE COURT: Okay.

11 MR. HANNAH: May it please the Court?

12 THE COURT: Yes.

13 DIRECT EXAMINATION

14 BY MR. HANNAH:

10:08:22 15 Q. Good morning, Dr. Mitzenmacher.

16 A. Good morning.

17 Q. Can you please start out by describing your educational
18 background?

19 A. Sure.

10:08:30 20 I was an Undergraduate at Harvard University. I
21 received an Undergraduate Degree in Mathematics and Computer
22 Science in 1991.

23 I then went to the other Cambridge, the University of
24 Cambridge for a year in England where I did a mathematics
10:08:46 25 program called the Part 3 Triopods, and received a certificate

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.