

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

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| ACCELERATION BAY LLC,              | ) | C.A. No. 16-453 (RGA) |
|                                    | ) |                       |
| Plaintiff,                         | ) | <b>PUBLIC VERSION</b> |
|                                    | ) | March 16, 2018        |
| v.                                 | ) |                       |
|                                    | ) |                       |
| ACTIVISION BLIZZARD, INC.,         | ) |                       |
|                                    | ) |                       |
| Defendant.                         | ) |                       |
|                                    | ) |                       |
| ACCELERATION BAY LLC,              | ) |                       |
|                                    | ) |                       |
| Plaintiff,                         | ) |                       |
|                                    | ) | C.A. No. 16-454 (RGA) |
| v.                                 | ) |                       |
|                                    | ) |                       |
| ELECTRONIC ARTS INC.,              | ) |                       |
|                                    | ) |                       |
| Defendant.                         | ) |                       |
|                                    | ) |                       |
| ACCELERATION BAY LLC,              | ) |                       |
|                                    | ) |                       |
| Plaintiff,                         | ) |                       |
|                                    | ) | C.A. No. 16-455 (RGA) |
| v.                                 | ) |                       |
|                                    | ) |                       |
| TAKE-TWO INTERACTIVE SOFTWARE,     | ) |                       |
| INC., ROCKSTAR GAMES, INC., and 2K | ) |                       |
| SPORTS, INC.,                      | ) |                       |
|                                    | ) |                       |
| Defendants.                        | ) |                       |

**DECLARATION OF PAUL J. ANDRE IN SUPPORT OF PLAINTIFF  
ACCELERATION BAY LLC'S REPLY BRIEF IN SUPPORT OF  
ITS SUMMARY JUDGMENT AND DAUBERT MOTIONS**

I, Paul J. Andre, hereby declare as follows:

1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel of record for Plaintiff Acceleration Bay LLC (“Acceleration Bay”). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts. I submit this declaration in support of Acceleration Bay’s Reply Brief in Support of its Summary Judgment and *Daubert* Motions.

2. Attached hereto as Exhibit 103 is a true and correct copy of pages iii and iv from the Petition for *Inter Partes* Review from *Activision Blizzard, Inc. v. Acceleration Bay LLC*, Case IPR2015-01970, Paper 2 (P.T.A.B. Sept. 25, 2015).

3. Attached hereto as Exhibit 104 is a true and correct copy of pages ii and iii from the Petition for *Inter Partes* Review from *Activision Blizzard, Inc. v. Acceleration Bay LLC*, Case IPR2016-00724, Paper 2 (P.T.A.B. March 11, 2016).

4. Attached hereto as Exhibit 105 is a true and correct copy of pages 137, 138, 140, 182-184, 215, 216, 243-45, and 403-05 from Expert Report of David R. Karger, Ph.D. Regarding Invalidity of Certain Claims from U.S. Patent Nos. 6,701,344, 6,714,966, 6,829,634, 6,910,069, 6,732,147, and 6,920,497, dated September 25, 2017.

5. Attached hereto as Exhibit 106 is a true and correct copy of pages 12-14 from the Petition for *Inter Partes* Review from *Activision Blizzard, Inc. v. Acceleration Bay LLC*, Case IPR2016-00747, Paper 2 (P.T.A.B. March 12, 2016).

6. Attached hereto as Exhibit 107 is a true and correct copy of pages 50, 56 and 57 from the Declaration of David R. Karger in Support of the Petition for *Inter Partes* Review of U.S. Patent Nos. 6,732,147 and 6,910,069 from *Activision Blizzard, Inc. v. Acceleration Bay LLC*, Case IPR2016-00747 (P.T.A.B. March 11, 2016).

7. Attached hereto as Exhibit 108 is a true and correct copy of pages 43-46 from Chart C of Acceleration Bay LLC's Initial Claim Charts, dated March 2, 2016.

8. Attached hereto as Exhibit 109 is a true and correct copy of pages 120-123 from the transcript of the deposition of Daniel Kegel, taken on October 23, 2017.

9. Attached hereto as Exhibit 110 is a true and correct copy of page 74 from the transcript of the deposition of Michael Mitzenmacher, Ph.D., taken on January 5, 2018.

10. Attached hereto as Exhibit 111 is a true and correct copy of pages 64, 65, 190, 192, 277 and 278 from the Expert Report of Dr. John P.J. Kelly Regarding Non-Infringement of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,920,497, dated November 13, 2017.

11. Attached hereto as Exhibit 112 is a true and correct copy of page 257 from the transcript of the deposition of Dr. Nenad Medvidović, taken on January 12, 2018.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 9, 2018, in Menlo Park, California.

/s/ Paul J. Andre  
Paul J. Andre