

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,)	REDACTED - PUBLIC VERSION
INC., ROCKSTAR GAMES, INC. and)	
2K SPORTS, INC.,)	Original Filing Date: April 26, 2019
)	Redacted Filing Date: May 14, 2019
Defendants.)	

**DECLARATION OF JOE NETIKOSOL
IN SUPPORT OF TAKE-TWO INTERACTIVE SOFTWARE, INC.,
ROCKSTAR GAMES, INC., and 2K SPORTS, INC.’S OPENING BRIEF
IN SUPPORT OF THIER MOTION FOR SUMMARY JUDGMENT**

I, Joe Netikosol, declare:

1. I am an associate attorney with the law firm Winston & Strawn LLP, counsel of record for Take-Two Interactive Software, Inc., Rockstar Games, Inc., and 2K Sports, Inc. (“Defendants” or “Take Two”) for the above referenced matter.

2. Attached as Exhibit A-1 is a true and correct copy of the expert report of Nenad Medvidović, Ph.D., regarding infringement by Take-Two of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,732,147.

3. Attached as Exhibit A-2 is a true and correct copy of the expert report of Michael Mitzenmacher, Ph.D., regarding infringement by Take-Two of U.S. Patent Nos. 6,920,497 and 6,910,069.

4. Attached as Exhibit A-3 is a true and correct copy of the supplemental opening expert report of Nenad Medvidović, Ph.D., regarding infringement by Take-Two of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,732,147.

5. Attached as Exhibit A-4 is a true and correct copy of the supplemental opening expert report of Michael Mitzenmacher, Ph.D., regarding infringement by Take-Two of U.S. Patent Nos. 6,920,497 and 6,910,069.

6. Attached as Exhibit A-5 is a true and correct copy of the expert reply report of Nenad Medvidović, Ph.D., regarding infringement by Take-Two of U.S. Patent Nos. 6,701,344; 6,829,634; 6,714,966; and 6,732,147.

7. Attached as Exhibit A-6 is a true and correct copy of the expert reply report of Michael Mitzenmacher, Ph.D., regarding infringement by Take-Two of U.S. Patent Nos. 6,920,497 and 6,910,069.

8. Attached as Exhibit A-7 is a true and correct copy of Take Two Response to Plaintiff's Common Interrogatory Nos. 5 and 9.

A. Attached as Exhibit D-1 is a chart showing that the m-regular limitation was amended during prosecution for all the asserted '344, '966, and '147 patent claims.

9. Attached as Exhibit D-2 is a chart showing that the "list of neighbors of the first computer" limitation of the '147 Patent, claim 1, was amended during prosecution.

10. Attached as Exhibit E-1 is an excerpt of the true and correct copy of the deposition transcript of Dr. Eric Cole.

11. Attached as Exhibit E-2 is an excerpt of the true and correct copy of the deposition transcript of Kevin Baca.

12. Attached as Exhibit E-3 is an excerpt of the true and correct copy of the deposition transcript of John Hynd.

13. Attached as Exhibit E-4 is an excerpt of the true and correct copy of the deposition transcript of Daniel Yelland.

14. Attached as Exhibit E-5 is an excerpt of the true and correct copy of the deposition transcript of Dr. Michael Mitzenmacher.

15. Attached as Exhibit E-6 is an excerpt of the true and correct copy of the deposition transcript of Dr. Nenad Medvidović.

16. Attached as Exhibit E-7 is an excerpt of the true and correct copy of the deposition transcript of Tim Walter.

17. Attached as Exhibit E-8 is an excerpt of the true and correct copy of the deposition transcript of Chris Larson.

18. Attached as Exhibit E-9 is an excerpt of the true and correct copy of the deposition transcript of Evan Harsha.

19. Attached as Exhibit F-1 is a true and correct excerpt copy of the September 15, 2003 amendment from the file history of the '344 patent, annotated to show the arguments related to the claim.

20. Attached as Exhibit F-2 is a true and correct copy of the September 15, 2003 amendment from the file history of the '966 patent, annotated to show the arguments related to the claim.

21. Attached as Exhibit F-3 is a true and correct copy of the December 17, 2003 amendment from the file history of the '147 patent, annotated to show the arguments related to the claim.

22. Attached as Exhibit F-4 is a true and correct copy of the June 21, 2004 amendment from the file history of the '497 patent, annotated to show the amendments and arguments related to the claim.

23. Attached as Exhibit F-5 is an excerpt of the true and correct copy of the '147 Patent Owner Preliminary Response (IPR2016-00747, Pap. 11).

24. Attached as Exhibit F-6 is an excerpt of the true and correct copy of the '344 Patent Owner Preliminary Response (IPR2015-01970, Pap. 6), annotated to show related arguments made by the patentee.

25. Attached as Exhibit F-7 is an excerpt of the true and correct copy of the '966 Patent Owner Preliminary Response (IPR2015-01951, Pap. 8), annotated to show related arguments made by the patentee.

26. Attached as Exhibit F-8 is an excerpt of the true and correct copy of the '069 Patent Owner Preliminary Response (IPR2017-01600, Pap. 8), annotated to show related arguments made by the patentee.

27. Attached as Exhibit F-9 is a true and correct copy of the document bearing Bates no. MS/SUB ACCELERATIONBAY 000105-112, entitled ("Microsoft Winsock Overview"), annotated to show portions related to Defendants arguments in the brief.

28. Attached as Exhibit F-10 is a true and correct copy of the document bearing Bates no. MSFT/SUB ACCELERATIONBAY 000160-165 (entitled "Durango Teredo NAT detection handoff")

29. Attached as Exhibit F-11 is a true and correct copy of the Frankel-Tomasulo Correspondence from April 4, 2019 to April 18, 2019

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of April 2019, in Los Angeles, California.

/s/ Joe Netikosol
Joe Netikosol

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2019, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 14, 2019, upon the following in the manner indicated:

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