

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.)	

DEFENDANTS’ MOTION FOR ATTORNEYS’ FEES AND COSTS

Pursuant to 35 U.S.C. § 285, 28 U.S.C. § 1927, and the Court’s inherent power, Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc. and 2K Sports, Inc. (collectively “Defendants”) hereby move the Court to declare this case exceptional and order that Acceleration Bay and its principal(s) and national counsel pay Defendants’ full attorneys’ fees and costs incurred in defending this litigation, totaling about \$9 million dollars. The grounds for this motion are set forth in Defendants’ opening brief submitted herewith.

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/s/ Jack B. Blumenfeld

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February 7, 2022

7.1.1 CERTIFICATION

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the Plaintiff and that we have not been able to reach agreement.

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

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Defendants.)	

[PROPOSED] ORDER

Having considered Defendants’ Motion for Attorneys’ Fees and Costs and Plaintiff’s opposition thereto;

IT IS HEREBY ORDERED this ____ day of _____, 2022, that Defendants’ Motion is GRANTED. The Court finds this case exceptional and that Defendants are the prevailing parties in this litigation. The Court further orders Acceleration Bay and its principal(s) and national counsel pay Defendants’ full attorneys’ fees and costs incurred in defending this litigation. Defendants shall file an accounting of attorneys’ fees and costs no later than twenty-one (21) days after the entry of this Order.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2022, 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 February 7, 2022, upon the following in the manner indicated:

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