

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,	)	<b>REDACTED –</b>
INC., ROCKSTAR GAMES, INC. and	)	<b>PUBLIC VERSION</b>
2K SPORTS, INC.,	)	
	)	
Defendants.	)	

**DECLARATION OF LOUIS CAMPBELL IN SUPPORT OF DEFENDANTS’  
REPLY BRIEF IN SUPPORT OF THEIR MOTION FOR FEES AND COSTS**

I, Louis Campbell, declare

1. I am Of Counsel with the law firm Winston & Strawn LLP, counsel of record for Defendants in the above referenced matter.

2. Plaintiff originally asserted fifty-one claims against Defendants: claims 1, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, and 18 of U.S. Patent No. 6,701,344; claims 1, 4, 6, 7, 8, 9, 11, 12, and 13 of U.S. Patent 6,714,966; claims 1, 3, 4, 5, 6, 10, 11, 14, 15, and 16 of U.S. Patent No. 6,732,147; claims 1, 4, 5, 6, 7, 9, 19, 20, 21, 22, and 24 of U.S. Patent No. 6,829,634; claims 1, 11, 12, and 13 of U.S. Patent No. 6,910,069; and claims 1, 8, 9, and 16 of U.S. Patent No. 6,920,497.

3. The Patent Trial and Appeals Board invalidated twenty-three of the claims originally asserted against Defendants: claims 1, 4, 5, 6, 7, 8, 9, and 11 of U.S. Patent No. 6,701,344; claims 1, 4, 6, 7, 8, 9, and 11 of U.S. Patent 6,714,966; claims 1, 4, 5, 6, 7, and 9 of U.S. Patent No. 6,829,634; and claims 1 and 8 of U.S. Patent No. 6,920,497.

4. This Court granted summary judgment of invalidity of five of the claims originally asserted against Defendants: claims 19 and 22 of U.S. Patent No. 6,829,634 and claims 11, 15, and

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16 of U.S. Patent No. 6,732,147. *Acceleration Bay LLC v. Activision Blizzard, Inc.*, 324 F. Supp. 3d 470, 478-79, 485-87 (D. Del. 2018).

5. Four of the claims originally asserted against Defendants would be invalid for the same reasons that the Court granted summary judgment of invalidity except that Plaintiff was no longer asserting those claims at the time of the Court's summary judgment decision: claims 20, 21 and 24 of U.S. Patent No. 6,829,634 and claim 14 of U.S. Patent No. 6,732,147.

6. Thus, thirty-two (23+5+4) of the fifty-one claims originally asserted against Defendants were invalid. In other words, approximately 63% of the claims—well over half—of the originally asserted claims were invalid.

7. Attached as Exhibit R is a true and correct copy of excerpts from the July 27, 2018, deposition transcript of Michael Mitzenmacher, which has been designated HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY.

8. Attached as Exhibit S is a true and correct copy of excerpts from the June 15, 2017, individual and FRCP 30(b)(6) deposition transcript of Joe Ward, which has been designated HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY.

9. Attached as Exhibit T is a true and correct copy of Exhibit 6 to the July 27, 2018, deposition transcript of Michael Mitzenmacher, which has been designated HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY.

10. Attached as Exhibit U is a true and correct copy of excerpts from the August 14, 2018, deposition transcript of Nenad Medvidovic, which has been designated HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 28th day of March 2022, in Redwood City, California.

By:           /s/ Louis Campbell            
Louis Campbell

**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 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 March 28, 2022, upon the following in the manner indicated:

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*/s/ Cameron P. Clark*

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Cameron P. Clark (#6647)