

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                                |   |                       |
|--------------------------------|---|-----------------------|
| ACTIVISION BLIZZARD, INC,      | ) |                       |
|                                | ) |                       |
| Plaintiff,                     | ) |                       |
|                                | ) |                       |
| v.                             | ) | C.A. No. 16-774 (RGA) |
|                                | ) |                       |
| ACCELERATION BAY LLC           | ) |                       |
|                                | ) |                       |
| Defendant.                     | ) |                       |
| <hr/>                          |   |                       |
| TAKE-TWO INTERACTIVE SOFTWARE, | ) |                       |
| INC., ROCKSTAR GAMES, INC. and | ) |                       |
| 2K SPORTS, INC.,               | ) |                       |
|                                | ) |                       |
| Plaintiff,                     | ) | C.A. No. 16-775 (RGA) |
|                                | ) |                       |
| v.                             | ) |                       |
|                                | ) |                       |
| ACCELERATION BAY LLC,          | ) |                       |
|                                | ) |                       |
| Defendant.                     | ) |                       |
| <hr/>                          |   |                       |
| ELECTRONIC ARTS INC.,          | ) |                       |
|                                | ) |                       |
| Plaintiff,                     | ) |                       |
|                                | ) |                       |
| v.                             | ) | C.A. No. 16-776 (RGA) |
|                                | ) |                       |
| ACCELERATION BAY LLC,          | ) |                       |
|                                | ) |                       |
| Defendants.                    | ) |                       |

**STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE**

WHEREAS Activision Blizzard, Inc., Electronic Arts Inc., Take-Two Interactive Software, Inc., Rockstar Games, Inc. and 2K Sports, Inc. (collectively, "Video Game Companies") filed the following actions in the Northern District of California on June 16, 2016 seeking declaratory judgment: *Activision Blizzard Inc. v. Acceleration Bay LLC*, C.A. No. 3:16-3375 (N.D. Cal.), *Take-Two Interactive Software, Inc. et al. v. Acceleration Bay LLC*, C.A. No.

3:16-3377 (N.D. Cal.), and *Electronic Arts Inc. v. Acceleration Bay LLC*, C.A. No. 3:16-3378 (N.D. Cal.) (collectively, the “DJ Actions”);

WHEREAS Acceleration Bay LLC (“Acceleration Bay”) filed the following actions in the District of Delaware on June 17, 2016: *Acceleration Bay LLC v. Activision Blizzard Inc.*, C.A. No. 16-453-RGA (D. Del.), *Acceleration Bay LLC v. Electronic Arts Inc.*, C.A. No. 16-454-RGA (D. Del.), and *Acceleration Bay LLC v. Take-Two Interactive Software, Inc. et al.*, C.A. No. 16-455-RGA (D. Del.) (collectively, the “New Delaware Actions”);

WHEREAS the Video Game Companies filed a Motion to Dismiss, Stay or Transfer the New Delaware Actions on July 8, 2016 (e.g., C.A. No.16-453-RGA, D.I. 6) (“Motion to Dismiss, Stay or Transfer”), and that motion is still pending;

WHEREAS on September 1, 2016, Judge Seeborg in the Northern District of California granted Acceleration Bay’s motion to transfer the DJ Actions to the District of Delaware;

WHEREAS the DJ Actions were transferred to the District of Delaware and docketed as *Activision Blizzard Inc. v. Acceleration Bay LLC*, C.A. No. 16-774-RGA (D. Del.), *Take-Two Interactive Software, Inc. et al. v. Acceleration Bay LLC*, C.A. No. 16-775-RGA (D. Del.), and *Electronic Arts Inc. v. Acceleration Bay LLC*, C.A. No. 16-776-RGA (D. Del.);

WHEREAS the parties have agreed that for the convenience of the parties and the Court the Video Game Companies will (1) withdraw their Motion to Dismiss, Stay or Transfer and (2) dismiss the DJ Actions without prejudice, with the Video Game Companies reserving all rights, including to file the claims asserted in those actions as counterclaims in the 2016 Delaware Actions;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that the above-captioned DJ Actions are dismissed without prejudice. The parties shall each bear their own costs and attorney fees with respect to the dismissed DJ Actions.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

POTTER ANDERSON & CORROON LLP

*/s/ Jack B. Blumenfeld*

*/s/ Philip A. Rovner*

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*Attorneys for Plaintiffs*

*Attorneys for Defendant*

September 15, 2016

SO ORDERED this 19 day of September, 2016

  
United States District Judge