

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA**

MARC BRAGG, Esq., an individual,

CIVIL DIVISION

Plaintiff,

No. 06-cv-4925

v.

JUDGE EDUARDO ROBRENO

LINDEN RESEARCH, INC., a corporation,
and PHILIP ROSEDALE, an individual,

Defendants.

**PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS
DIRECTED TO DEFENDANT LINDEN RESEARCH, INC.**

AND NOW COMES, Plaintiff, Marc Bragg, Esq., by and through counsel, Jason A. Archinaco, Esq., and the law firm of WHITE AND WILLIAMS, LLP and serves the following Plaintiff's First Set of Requests for Admissions Directed to Defendant Linden Research, Inc. Pursuant to the Federal Rules of Civil Procedure, you are required to answer the following Requests for Admissions within thirty (30) days of receipt.

NOTICE

TO: **Linden Research, Inc.** c/o Laurence Z. Sheikman, Esq., PEPPER HAMILTON, LLP, 3000 Two Logan Square, 18th and Arch Streets, Philadelphia, PA 19103-2799, and John W. Crittenden, Esq., COOLEY GODWARD & KRONISH, LLP, 101 California Street, 5th Floor, San Francisco, CA 94111, counsel for Defendants.

You are hereby given notice that, pursuant to F.R.C.P. 36(a), you will be deemed to have admitted the truth of the matters set forth in the following Request for Admissions unless, within thirty (30) days after service of the Request upon your counsel, you serve upon counsel for the Plaintiff in response to each of those Requests for Admissions an answer verified or an objection signed by you or your attorney. An answer must admit or deny the matter or set forth in detail

the reason why you cannot truthfully do so. A denial must fairly meet the substance of the requested admission. When good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, you must specify so much of it as is true and qualify or deny only the remainder. If you give lack of information or knowledge as a reason for failure to admit or deny, you must state that you have made a reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny. If objection is made, the reasons therefore must be stated. If you consider that a matter of which an admission is requested presents a genuine issue of fact for trial, you may not, on that ground alone, object to the request.

Any matter admitted under F.R.C.P 36(b) is conclusively established, unless the court on motion permits withdrawal or amendment of the admission. Any admission under F.R.C.P. 36(b), is for the purpose of the pending action only.

You are given further notice that, pursuant to F.R.C.P 37(c)(2) if at the trial or hearing the defendants prove a matter which it has requested you to admit it is authorized by F.R.C.P 36(a), which matter you have failed to admit as requested, the court on motion may enter an order taxing as costs against you the reasonable expenses incurred in making such proof, including attorneys fees, unless the court finds that: (A) the request was or could have been held objectionable pursuant to F.R.C.P 36(a), or (B) the admission sought was of no substantial importance, or (C) you had a reasonable ground to believe that you might prevail on the matter, or (D) there was another good reason for the failure to admit.

Feel free to attach additional pages so as to allow for a full and complete answer.

Any information is to be divulged which is in the possession of the individual parties and/or their attorneys, representatives, investigators, agents or employees. If the Defendant files

any objections to any Request for Admissions propounded herein, it is demanded that the Requests not objected to be answered within the thirty (30) day period aforesaid.

In addition, if the Defendant files an objection to any part of these Requests propounded herein, it is hereby demanded that those portions of the Requests not objected to be answered within the thirty (30) day period as aforesaid.

[END OF NOTICE]

[REQUESTS FOR ADMISSIONS BEGIN ON NEXT PAGE]

REQUESTS FOR ADMISSIONS DIRECTED TO LINDEN RESEARCH, INC.

1. Second Life is three-dimensional online digital world imagined, created and owned by its residents.

Admitted: _____ **Denied:** _____

If the answer to Request for Admission No. 1 is anything other than an unqualified admission, please state or identify the following:

- a. Each and every fact upon which you rely in support of said denial;
- b. The identity of each and every person who has knowledge of any said facts upon which you rely; and,
- c. Each document upon which you relied to provide such contention / denial.

Response:

2. Prior to August 31, 2007, Second Life was a three-dimensional online digital world imagined, created and owned by its residents.

Admitted: _____ **Denied:** _____

If the answer to Request for Admission No. 2 is anything other than an unqualified admission, please state or identify the following:

- a. Each and every fact upon which you rely in support of said denial;
- b. The identity of each and every person who has knowledge of any said facts upon which you rely; and,
- c. Each document upon which you relied to provide such contention / denial.

RESPONSE:

3. On August 31, 2007, Defendant Linden removed language from its website located at <http://www.secondlife.com> that said "Second Life is 3d online digital world imagined, created & owned by its residents."

Admitted: _____ **Denied:** _____

If the answer to Request for Admission No. 3 is anything other than an unqualified admission, please state or identify the following:

- a. Each and every fact upon which you rely in support of said denial;
- b. The identity of each and every person who has knowledge of any said facts upon which you rely; and,
- c. Each document upon which you relied to provide such contention / denial.

RESPONSE:

4. On August 31, 2007, Defendant Linden replaced the language on its website that said "Second Life is 3d online digital world imagined, created & owned by its residents" with "Second Life is a 3d online digital world imagined and created by its residents."

Admitted: _____ **Denied:** _____

If the answer to Request for Admission No. 4 is anything other than an unqualified admission, please state or identify the following:

- a. Each and every fact upon which you rely in support of said denial;
- b. The identity of each and every person who has knowledge of any said facts upon which you rely; and,
- c. Each document upon which you relied to provide such contention / denial.

RESPONSE:

5. On August 31, 2007, Defendant Linden removed language from its website located at <http://www.seconddlife.com> that said "Own Virtual Land."

Admitted: _____ **Denied:** _____

If the answer to Request for Admission No. 5 is anything other than an unqualified admission, please state or identify the following:

- a. Each and every fact upon which you rely in support of said denial;
- b. The identity of each and every person who has knowledge of any said facts upon which you rely; and,
- c. Each document upon which you relied to provide such contention / denial.

RESPONSE:

6. On August 31, 2007, Defendant Linden replaced the language on its website that said "Own Virtual Land" with "Find out how to get virtual property for your own house, business or island!"

Admitted: _____ **Denied:** _____

If the answer to Request for Admission No. 6 is anything other than an unqualified admission, please state or identify the following:

- a. Each and every fact upon which you rely in support of said denial;
- b. The identity of each and every person who has knowledge of any said facts upon which you rely; and,
- c. Each document upon which you relied to provide such contention / denial.

RESPONSE:

Dated: August 31, 2007

WHITE AND WILLIAMS, LLP

By 

Jason A. Archinaco, Esq.

PA ID 76691

Christopher Ballod, Esq.

PA ID 89462

Colin G. Schafer, Esq.

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Counsel for Plaintiff