

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARC BRAGG, Esq., an individual,

Plaintiff,

v.

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

Defendants.

CIVIL ACTION

Case No. 06-4925

LINDEN RESEARCH, INC., a corporation,

Counterclaim Plaintiff,

v.

MARC BRAGG, an individual,

Counterclaim Defendant.

**DEFENDANT AND COUNTERCLAIM PLAINTIFF LINDEN RESEARCH INC.'S
FIRST SET OF INTERROGATORIES TO PLAINTIFF AND COUNTERCLAIM
DEFENDANT MARC BRAGG**

**PROPOUNDING PARTY: DEFENDANT AND COUNTERCLAIM PLAINTIFF LINDEN RESEARCH
INC.**

RESPONDING PARTY: PLAINTIFF AND COUNTERCLAIM DEFENDANT MARC BRAGG

SET NUMBER: ONE (1)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant and Counterclaim Plaintiff Linden Research, Inc. ("Linden") requests that Plaintiff and Counterclaim Defendant Marc Bragg ("Bragg") answer separately and completely in writing under oath within

30 days of service hereof each of the Interrogatories set forth below in accordance with the following Definitions and Instructions:

I. DEFINITIONS

1. YOU and YOUR refer to Plaintiff and Counterclaim Defendant Marc Bragg (“Bragg”).

2. DOCUMENT is used in its broadest sense, and is defined to be synonymous in meaning and equal in scope to the definition in Federal Rule of Civil Procedure 34. A draft or non-identical copy is a separate DOCUMENT within the meaning of this term.

3. COMMUNICATION means any transmission of information from one PERSON or entity to another by any means in the form of facts, ideas, inquiries or otherwise.

4. PERSON means any natural PERSON or any business, legal, or governmental entity or association or any other cognizable entity, including, without limitation, corporations, proprietorships, partnerships, joint ventures, consortiums, clubs, associations, foundations, governmental agencies or instrumentalities, societies and orders.

5. COMPLAINT refers to the COMPLAINT filed in this action on October 4, 2006.

6. ANSWER refers to the ANSWER filed in this action on June 28, 2007.

7. COUNTERCLAIMS refers to the COUNTERCLAIMS filed in this action on June 28, 2007.

8. A request to IDENTIFY EACH DOCUMENT means to provide a description sufficient to obtain production thereof by subpoena, discovery request, or court order, including:

(a) The name and current business or residential address of the individual or individuals who (i) prepared it, (ii) signed it or under whose signature it was issued, and (iii) to whom it was addressed or distributed;

(b) The title and nature of its contents;

(c) The date appearing on it and the date or dates when it was prepared; and

(d) The current physical location of it.

ALTERNATIVELY, You may identify any DOCUMENT by instead attaching a full, clear, legible copy thereof to your response hereto, provided that each such copy contains a reference to each Interrogatory to which it is responsive.

9. A request to IDENTIFY with respect to COMMUNICATIONS means to:

(a) State the date and place of each such COMMUNICATION;

(b) State the medium through which such COMMUNICATION was made (*e.g.*, in person, by telephone, by electronic mail or means, etc.);

(c) IDENTIFY EACH PERSON who participated in the COMMUNICATION;

(d) IDENTIFY EACH PERSON (other than a participant) who heard or had access to the COMMUNICATION;

(e) State the substance of the COMMUNICATION, including any discussion constituting or regarding the COMMUNICATION, the order in which such discussion was had, and any decisions or conclusions reached in the course of or as a result of the COMMUNICATION; and

(f) IDENTIFY EACH DOCUMENT reflecting or CONCERNING the substance of the COMMUNICATION.

10. A request to IDENTIFY EACH PERSON refers to each natural PERSON or entity and means to provide such PERSON'S or entity's full name and the current business or employment address and, if a natural PERSON, such PERSON'S residence address and telephone number.

11. The use of the singular form of any word includes the plural, and use of the plural form includes the singular form.

II. INSTRUCTIONS

1. YOU are requested to answer each Interrogatory set forth below separately and completely in writing under oath. YOUR response hereto is to be signed and verified by the PERSON making it, and the objections signed by the attorney making them, as required by Federal Rule of Civil Procedure 33(b).

2. Each Interrogatory shall be answered fully unless it is objected to in good faith, in which event the reasons for YOUR objection shall be stated in detail. If an objection pertains to

only a portion of an Interrogatory, or a word, phrase or clause contained within it, YOU are required to state YOUR objection to that portion only and to respond to the remainder of the Interrogatory, using YOUR best efforts to do so.

3. If YOU or YOUR counsel assert that any information responsive to any Interrogatory is privileged or otherwise protected from discovery, YOU are requested to comply with the requirements of Federal Rule of Civil Procedure 26(b)(5) as to each DOCUMENT, thing, oral COMMUNICATION or piece of information for which a claim of privilege or protection from discovery is made. For any DOCUMENT or information withheld on the grounds that it is privileged or otherwise claimed to be excludable from discovery, identify the information or DOCUMENT, describe its subject matter and date, identify all authors and all recipients (including copied and blind copied recipients), and specify the basis for the claimed privilege or other grounds of exclusion.

4. If YOU answer any of the Interrogatories by reference to records from which the answer may be derived or ascertained, YOU are requested to comply with the requirements of Federal Rule of Civil Procedure 33.

5. If any responsive DOCUMENT is no longer in existence, cannot be located or is not in YOUR possession, custody or control, identify it, describe its subject matter and describe its disposition, including, without limitation, identifying the PERSON having knowledge of the disposition.

6. If an Interrogatory is silent as to the time period for which information is sought, YOUR response should include all information known to you relating to events that occurred, in whole or in part, at any time during the period of October 2003 to the present.

7. These Interrogatories are continuing in nature and YOUR responses to them are to be promptly supplemented or amended if, after the time of YOUR initial responses, YOU learn that any response is or has become in some material respect incomplete or incorrect, to the full extent provided for by Federal Rule of Civil Procedure 26(e).

III. INTERROGATORIES.

INTERROGATORY NO. 1

IDENTIFY with particularity all alleged misrepresentations by Defendants on which YOU personally and actually relied, and as a result of which YOU were damaged, as alleged in the COMPLAINT, stating the time, place, manner, and maker of each alleged misrepresentation.

INTERROGATORY NO. 2

For each alleged misrepresentation identified in YOUR response to the preceding interrogatory, state with particularity all facts supporting YOUR contention that the alleged misrepresentation was false or misleading at the time it was made.

INTERROGATORY NO. 3

For each alleged misrepresentation identified in YOUR response to Interrogatory No. 1, state with particularity the circumstances of YOUR alleged reliance thereon, including without limitation when YOU became aware of the representation and what you did in reliance thereon.

INTERROGATORY NO. 4

For each alleged misrepresentation identified in YOUR response to Interrogatory No. 1, state with particularity the circumstances under which YOU discovered that the alleged misrepresentation was false or misleading.

INTERROGATORY NO. 5

Provide a calculation of all losses or damages YOU contend sustained as a result of any misrepresentations or omissions of Defendants as alleged in the COMPLAINT, specifying the basis for that calculation.

INTERROGATORY NO. 6

For each of the items of "virtual property" YOU acquired over the course of YOUR participation in Second Life as alleged in the COMPLAINT, state the purchase price YOU paid for

each such item and the amount YOU realized upon the sale of each such item and, if appropriate, each separately-sold portion thereof.

INTERROGATORY NO. 7

State the amounts YOU invested in connection with YOUR activities in Second Life, all revenues YOU received as a result of those activities, and any profit or loss from those activities.

INTERROGATORY NO. 8

For each item of YOUR “virtual property” YOU allege in Count 6 of the COMPLAINT was wrongfully converted by Defendants, state its value at the time of the alleged conversion, and the basis for your valuation.

INTERROGATORY NO. 9

Identify with particularity each of YOUR “contracts with third parties for the sale of virtual property and/or the virtual items” with which YOU contend Defendants interfered, as alleged in Count 7 of the COMPLAINT, specifying for each such contract the other party or parties thereto, date of formation, the specific “virtual property and/or virtual items” to be sold, and all material terms of the contract.

INTERROGATORY NO. 10

State with particularity what YOU contend Defendants did to interfere with each of the alleged contracts identified in YOUR response to the preceding interrogatory.

INTERROGATORY NO. 11

Provide a calculation of all damages YOU contend YOU incurred as a result of each of the alleged acts of interference with contracts identified in YOUR response to the preceding interrogatory, specifying the basis for that calculation.

INTERROGATORY NO. 12

Identify with particularity each of the “prospective contractual relations [that] existed between Plaintiff and third parties for the sale of his virtual property and/or items,” as alleged in Count 7 of the COMPLAINT, specifying for each such prospective contractual relation the other prospective contracting party or parties, date and circumstances by which the relation was created, and the specific property that was the subject of the prospective contract.

INTERROGATORY NO. 13

State with particularity what YOU contend Defendants did to interfere with each of the alleged prospective contractual relations identified in your response to the preceding interrogatory.

INTERROGATORY NO. 14

Provide a calculation of all damages YOU contend YOU incurred as a result of each of the alleged acts of interference with prospective contractual relations identified in YOUR response to the preceding interrogatory, specifying the basis for that calculation.

INTERROGATORY NO. 15

Identify with particularity each contract YOU contend Defendants breached, as alleged in your COMPLAINT, specifying for each such contract the other parties thereto, the date of formation, the subject matter, and all material terms.

INTERROGATORY NO. 16

Provide a calculation of all damages YOU contend YOU incurred as a result of each of the alleged breaches of contract identified in YOUR response to the preceding interrogatory, specifying the basis for that calculation.

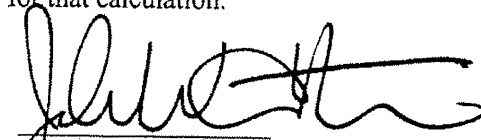
INTERROGATORY NO. 17

For each alleged contract in connection with which YOU contend Defendants violated the covenant of good faith, identify with particularity the acts of Defendants that YOU contend constituted an unjust interference with your right to receive the benefit of the alleged contract.

INTERROGATORY NO. 18

Provide a calculation of all damages YOU contend YOU incurred as a result of each of the alleged breaches of the covenant of good faith and fair dealing identified in YOUR response to the preceding interrogatory, specifying the basis for that calculation.

Dated: July 24, 2007



John W. Crittenden (Cal. #101634)
Kathleen E. Treiber (Cal. #232353)
ADMITTED PRO HAC VICE
COOLEY GODWARD KRONISH LLP
101 California Street
5th Floor
San Francisco, CA 94133
Phone: (415) 693-2000
Fax: (415) 693-2222

Laurence Z. Shiekman (#15203)
Thomas T. Watkinson, II (#200697)
PEPPER HAMILTON LLP
3000 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103
Phone: (215) 981-4000
Fax: (215) 981-4750

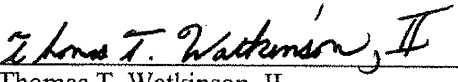
Attorneys for Defendant and Counterclaim
Plaintiff LINDEN RESEARCH, INC. and
Defendant PHILIP ROSEDALE

CERTIFICATE OF SERVICE

I, Thomas T. Watkinson, II, hereby certify that on July 24, 2007, a true and correct copy of the foregoing Defendant and Counterclaim Plaintiff Linden Research Inc.'s First Set of Interrogatories was served via Hand Delivery upon the following:

Jason A. Archinaco
White and Williams LLP
The Frick Building
437 Grant Street, Suite 1001
Pittsburgh, PA 15219-6003

Attorney for Plaintiff and Counterclaim Defendant Marc Bragg



Thomas T. Watkinson, II