

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 REQUESTS FOR PRODUCTION OF DOCUMENTS 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 Federal Rules of Civil Procedure 26 and 34, Defendant and Counterclaim Plaintiff Linden Research, Inc. ("Linden") hereby demands that Plaintiff and Counterclaim Defendant Marc Bragg ("Bragg") answer the following document requests and produce for

copying and inspection responsive documents within thirty (30) days from the date this demand is served, at the offices of Defendant Linden's counsel, Cooley Godward Kronish LLP, 101 California, 5th Floor, San Francisco, CA 94111.

I. DEFINITIONS.

Words in CAPITALS are defined as follows:

1. YOU, YOUR or YOURS shall mean Plaintiff and Counterclaim Defendant Marc Bragg ("Bragg") and any PERSON acting as an agent of 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.

II. INSTRUCTIONS.

1. These requests for production are continuing in nature. YOU must supplement or amend YOUR responses to these requests pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.

2. If any of the following requests cannot be responded to in full after exercising due diligence to secure the information, respond to the extent possible, specifying YOUR inability to

respond to the remainder and stating whatever information YOU have concerning the unanswered portions.

3. If YOUR response to any of these document requests is qualified in any particular manner, set forth the details of such qualification.

4. In responding to these requests furnish all information and produce all DOCUMENTS that are available to YOU including not only information and DOCUMENTS immediately available to YOUR counsel, but also that are available to or in the possession, custody or control of any agent of YOUR'S.

5. Wherever used herein: the singular shall include the plural and the plural shall include the singular; verb tenses shall be interpreted to include past, present, and future tenses; the word "all" includes the word "any" and vice versa; and the terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any DOCUMENTS which might otherwise be construed to be outside their scope.

6. If any DOCUMENT responsive to these requests is withheld under a claim of privilege, YOU must set forth in YOUR response to these requests a schedule which provides the information described in Federal Rule of Civil Procedure 26(b)(5).

7. If YOU object to part of a request and refuse to respond to that part, YOU must produce all DOCUMENTS called for which are not subject to that objection. Similarly, wherever a DOCUMENT is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of YOUR knowledge, information and belief, and with as much particularity as possible, those portions of the DOCUMENT which are not produced. If YOU object to a request's scope or time period, state YOUR objection and respond to the request for the scope or time period YOU believe is appropriate.

8. YOU are to produce the original and each non-identical copy of each DOCUMENT or DOCUMENTS requested herein which is YOUR possession, custody or control.

9. If a document request 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.

III. DOCUMENTS AND THINGS TO BE PRODUCED.

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute any alleged misrepresentations of Defendants on which YOU personally and actually relied, and which caused YOU damage, as alleged in the COMPLAINT.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS supporting your calculation of losses or damages you contend YOU sustained as a result of any misrepresentations or omissions of Defendants as alleged in the COMPLAINT.

REQUEST FOR PRODUCTION NO. 3:

For each of the items of "virtual property" YOU acquired over the course of YOUR participation in Second Life as alleged in the COMPLAINT, DOCUMENTS sufficient to identify the purchase price YOU paid for each such item and the amount YOU realized upon the sale of each such item.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS supporting your calculation of 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.

REQUEST FOR PRODUCTION NO. 5:

Any accounting records, ledgers, spreadsheets, or other DOCUMENTS that refer to, reflect, mention, or discuss YOUR economic transactions in connection with Second Life.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute any notice YOU sent or caused to be sent to Defendants in compliance with California Code section 1782(a).

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute any return receipt for any notice YOU sent or caused to be sent to Defendants in compliance with California Code section 1782(a).

REQUEST FOR PRODUCTION NO. 8:

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

REQUEST FOR PRODUCTION NO. 9:

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

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute 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.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute 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.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute each contract YOU contend Defendants breached, as alleged in your COMPLAINT.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS supporting your calculation of the amount of damages YOU contend YOU incurred as a result of each of the breaches of contract alleged in your COMPLAINT.

REQUEST FOR PRODUCTION NO. 14:

For each alleged contract in connection with which YOU contend Defendants violated the covenant of good faith, all DOCUMENTS that refer to, reflect, mention, or discuss the acts of Defendants that YOU contend constituted an unjust interference with YOUR right to receive the benefit of the alleged contract.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS supporting YOUR calculation of damages YOU contend YOU incurred as a result of each of the alleged breaches of the covenant of good faith and fair dealing as alleged in the COMPLAINT.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute the “messages posted by Defendants’ agents in Defendant’s forums on Defendants’ web site, and by Defendants’

agents in forums hosted by Linden Labs [sic] that there was more than one way to purchase land from Defendants via Defendants' auctions," as alleged in Paragraph 109 of the COMPLAINT.

REQUEST FOR PRODUCTION NO. 17:

The DOCUMENT that was enclosed with your letter to the Federal Trade Commission dated May 4, 2006 (BRAGG 0023), which YOU describe in that letter as a "document from the company's website [that] shows a company rep describing to a player how to bid on the auctions that were won and then cancelled."

REQUEST FOR PRODUCTION NO. 18:

The DOCUMENT that was enclosed with YOUR letter to the California Department of Corporations dated May 4, 2006 (BRAGG 0024), which YOU describe in that letter as a "document from the company's website [that] shows a company rep describing to a player how to bid on the auctions that were won and then cancelled."

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute communications between YOU and the Federal Trade Commission following YOUR letter thereto dated May 4, 2006 (BRAGG 0023).

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute communications between YOU and the California Department of Corporations following YOUR letter thereto dated May 4, 2006 (BRAGG 0024).

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute COMMUNICATIONS between YOU and InterNAP regarding Linden or the Second Life service.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute COMMUNICATIONS between YOU and any third party regarding any complaints YOU made about Defendants or the Second Life service.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute COMMUNICATIONS with anyone regarding Linden or YOUR use of the Second Life service.

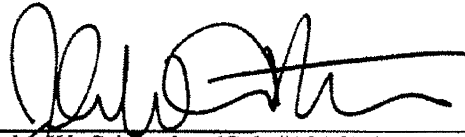
REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute COMMUNICATIONS with any user of the Second Life service regarding any purchase or sale or offer to purchase or sell "virtual land" within Second Life.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS that refer to, reflect, mention, discuss, or constitute any forum posts placed by YOU or on YOUR behalf with regard to Second Life or Defendants.

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 Requests for Production 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
Thomas T. Watkinson, II