

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,

Defendant.

CIVIL ACTION

Case No. 06-4925

**MEMORANDUM REGARDING EXHIBITS SUBMITTED
BY PLAINTIFF FOLLOWING ORAL ARGUMENT**

On February 5, 2007, following hearing on Philip Rosedale's Motion to Dismiss for Lack of Personal Jurisdiction, Plaintiff submitted four press releases allegedly obtained from Linden's website containing statements attributed to Mr. Rosedale which, allegedly, were relied on by Plaintiff. Two things are worth pointing out.

1. Based on the record before the Court, which is now closed, there is no personal jurisdiction over Mr. Rosedale according to the Third Circuit's decision in Toys "R" Us, Inc. v. Step Two, S.A., 318 F.3d 446 (3d Cir. 2003). Plaintiff has failed to demonstrate that Mr. Rosedale "purposefully availed" himself of conducting any activity in Pennsylvania. The mere issuance of a press release by Linden which attributes a statement to Mr. Rosedale does not sufficiently demonstrate that Mr. Rosedale in his personal capacity was "directly targeting" Pennsylvania residents with any statements. Plaintiff has offered no facts that would satisfy the standard articulated in Toys "R" Us.

2. The copies of the press releases provided to the Court after oral argument do not establish that the Plaintiff saw or read the press releases when he was a participant in Second

Life. Nor do they establish when the press releases were posted to the website. By inserting an exhibit page number in the lower right hand corner of each page, Plaintiff has obscured the date the press releases were printed. Given the nature of the submission, it is most likely that the press releases were printed after oral argument rather than when Plaintiff was participating in Second Life. As a result, the copies of the press releases should be afforded no weight.

Respectfully submitted,

/s Andrew J. Soven (/AS 955)

Scott D. Baker

Andrew J. Soven

Andrea B. Weingarten

REED SMITH LLP

2500 One Liberty Place

Philadelphia, PA 19103-7301

(215)851-8100

Dated: February 8, 2007

CERTIFICATE OF SERVICE

I, Andrew J. Soven, hereby certify that Defendant Philip Rosedale's Memorandum Regarding Exhibits Submitted By Plaintiff Following Oral Argument has been filed electronically this 8th day of February, 2007, and is available for viewing and downloading from the federal court's Electronic Case Files system. A copy of the foregoing has also been served today by ECF upon the following counsel:

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

“s”/ Andrew J. Soven