

**Issued by the
United States District Court**

_____ DISTRICT OF _____ CONNECTICUT _____

MIRROR WORLDS, LLC,
Plaintiff
v.
APPLE INC.,
Defendant.

SUBPOENA IN A CIVIL CASE
CASE NUMBER:¹ 6:08 cv 88 LED
(Eastern District of Texas, Tyler Division)

TO: **Yale University**
President's Office
PO Box 208229
New Haven, CT 06520-8229

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case on the following topics:

PLACE OF DEPOSITION	DATE AND TIME

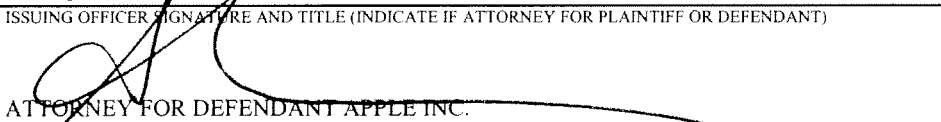
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Attachment A.**

PLACE Weil Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10022	DATE AND TIME August 24, 2009
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  ATTORNEY FOR DEFENDANT APPLE INC.	DATE August 5, 2009
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Sonal N. Mehta, Weil, Gotshal & Manges LLP, 201 Redwood Shores Parkway, Redwood Shores, CA 94065; Telephone (650) 802-3000

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

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PROOF OF SERVICE

SERVED	DATE	PLACE
	SERVED ON (PRINT NAME)	
SERVED BY (PRINT NAME)		MANNER OF SERVICE
		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

- that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) required disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

ATTACHMENT A

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendant and Counterclaimant Apple Inc. hereby requests that Yale University produce for inspection and copying the documents and things requested.

DEFINITIONS

1. “You” and “Your” mean Yale University, its predecessors, successors, divisions, departments, and other organizational and operating units of any of the foregoing, and all past and present directors, officers, employees, agents, affiliates, representatives (including consultants and attorneys), and others purporting to act on its behalf.

2. “Mirror Worlds” means Mirror Worlds LLC, Mirror Worlds Technologies, Inc., Lifestreams, Inc., Abacus Ventures, Recognition Interface, Inc., Recognition Interface LLC, Plainfield Specialty Holdings I, Inc., their predecessors, successors, past and present parents, subsidiaries, divisions, departments, and other organizational and operating units of any of the foregoing, and all past and present directors, officers, employees, agents, affiliates, representatives (including consultants and attorneys), and others purporting to act on their behalf.

3. “Document” shall have the meaning set forth in Federal Rule of Civil Procedure 34, and shall include without limitation, information stored in electronic, magnetic, or optical media, drafts, all translations of documents, and all materials relating to communications.

4. “Communication” means any form of oral or written interchange or attempted interchange, whether in person, by telephone, by facsimile, by telex, by electronic mail, or by any other medium.

5. “Concerning” means pertaining to, referring to, and/or relating to the matter specified.

INSTRUCTIONS

1. This request seeks production of all documents and things described in the request which are in your possession, custody or control, whether prepared by you or anyone else, and in any location they may exist.

2. If you withhold any document or any portion thereof on a claim of privilege, provide a privilege log pursuant to Fed. R. Civ. P. 26.

3. If you contend that a portion of a document contains information which is immune from discovery, then produce the document with the immune portion redacted therefrom and describe the redacted portion in a privilege log pursuant to Fed. R. Civ. P. 26 (b)(5).

4. The words “and” and “or” shall be used conjunctively or disjunctively, whichever makes the request more inclusive.

5. The words “any,” “all,” or “each” shall be construed as “any, all, and each” inclusively.

6. The singular form of a word shall include the plural and vice versa.

REQUESTS FOR DOCUMENTS

REQUEST NO. 1:

Documents sufficient to show the dates of hire, employment start dates, and employment termination dates for: David Gelernter, Eric Freeman, Christopher Hatchell, Nicholas Carriero, Scott Fertig, Nancy Pellegrino, and Julie Teodosio.

REQUEST NO. 2:

Documents sufficient to show the official titles of David Gelernter, Eric Freeman, Christopher Hatchell, Nicholas Carriero, Scott Fertig, Nancy Pellegrino, and Julie Teodosio from 1992 to 1999.

REQUEST NO. 3:

Documents sufficient to show the Yale department or group in which David Gelernter, Eric Freeman, Christopher Hatchell, Nicholas Carriero, Scott Fertig, Nancy Pellegrino, and Julie Teodosio were employed from 1992 to 1999.

REQUEST NO. 4:

Documents sufficient to show the terms of employment with Yale University of David Gelernter, Eric Freeman, Christopher Hatchell, Nicholas Carriero, Scott Fertig, Nancy Pellegrino, and Julie Teodosio from 1992 to 1999.

REQUEST NO. 5:

Documents sufficient to show the contents of the Yale University Computer Science Department ARPANET, intranet, extranet, FTP site, Gopher site, or internet website from 1992 to 1999, to the extent such documents exist in Yale's possession, custody, or control.