

**Issued by the
United States District Court**

Southern DISTRICT OF New York

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: **Frank A. Weil**
c/o Stroock, Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

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: **See Attachment B.**

PLACE OF DEPOSITION

Weil, Gotshal & Manges LLP
767 5th Avenue, NY 10153-0199

DATE AND TIME

January 11, 2010

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 5th Avenue, NY 10153-0199
(or by delivery to Weil, Gotshal & Manges LLP,
201 Redwood Shores Parkway, Redwood Shores, CA 94065)

DATE AND TIME

December 30, 2009

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

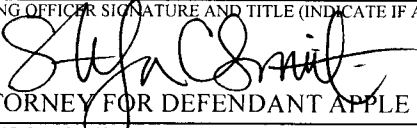
PREMISES

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'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE


ATTORNEY FOR DEFENDANT APPLE INC.

12/3/09

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Stefani C. Smith, Weil, Gotshal & Manges LLP, 201 Redwood Shores Parkway, Redwood Shores, CA 94065;
Telephone (650) 802-3000

ATTACHMENT A

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

DEFINITIONS

1. “You,” “Your,” or “Frank Weil” means you, Frank Weil, and others purporting to act on your behalf.

2. “Abacus” means Abacus Ventures, LLC, Abacus Ventures Limited Partnership, Abacus & Associates, L.P., and/or Abacus & Associates Inc., their 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 their behalf.

3. “Recognition Interface” means Recognition Interface Inc. and/or Recognition Interface LLC, their predecessors and successors, their past and present parents, subsidiaries, divisions, affiliates, and other organizational or operating units of any of the foregoing, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing, and others purporting to act on their behalf. “Lifestreams” means Lifestreams, Inc., its 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 its behalf.

4. “Plainfield” means Plainfield Specialty Holdings I, Inc., their 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 their behalf.

5. “Mirror Worlds Technologies” means Mirror Worlds Technologies, Inc., its 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 its behalf.

6. “Mirror Worlds LLC” means Mirror Worlds LLC, its 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 its behalf.

7. The “Patents-in-Suit” means all patents asserted or to be asserted in the future by Mirror Worlds in this action, including, without limitation, U.S. Patent No. 6,006,227 (“the ’227 patent”), U.S. Patent No. 6,638,313 (“the ’313 patent”), U.S. Patent No. 6,725,427 (“the ’427 patent”), and U.S. Patent No. 6,768,999 (“the ’999 patent”), individually and collectively.

8. “Related Patents” means all patents and patent applications relating to any of the Patents-in-Suit, including any patents or patent applications (including all published and unpublished pending and abandoned applications) from or through which any of the Patents-in-Suit claim priority, any patents or patent applications (including all published and unpublished pending and abandoned applications) that claim priority from or through any of the Patents-in-Suit, and any foreign counterpart patents or patent applications (including all published and unpublished pending and abandoned applications) of any of the foregoing.

9. “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.

10. “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.

11. “Relating to” 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.

7. In response to the Requests herein, Apple only seeks documents and things that were not already provided in response to the Requests that Apple served on Abacus, Recognition Interface, and Mirror Worlds Technologies, Inc. in this case.

REQUESTS FOR DOCUMENTS AND THINGS

REQUEST NO. 1:

All documents and things relating your first awareness of or involvement with the Lifestreams Project, Lifestreams, Inc., Christopher Jones, the Patents-in-Suit, Dr. Eric Freeman, Dr. David Gelernter, Mirror Worlds Technologies, Inc., or Mirror Worlds Technologies, Inc.'s products or services.

REQUEST NO. 2:

All documents and things relating to Your role, involvement, investment, and/or employment in or with Mirror Worlds Technologies, Inc. or Recognition Interface, including without limitation the involvement and investment of Abacus in Mirror Worlds Technologies, Inc. or Recognition Interface.

REQUEST NO. 3:

All documents and things relating to any actual or potential sale, assignment, license, or transfer or any right or interest to the Patents-in-Suit or Related Patents, including without limitation any offers for any of the foregoing that were made, received, or contemplated, and any discussions or communications intended to solicit or generate such an offer.

REQUEST NO. 4:

All documents and things relating to any actual or potential sale, assignment, license, or transfer of any right or interest to any technology, including software and/or source code, that is related to or covered by the Patents-in-Suit or Related Patents, including without

limitation any offers for any of the foregoing that were made, received, or contemplated, and any discussions or communications intended to solicit or generate such an offer.

REQUEST NO. 5:

All documents and things relating to communications between or among You, Mirror Worlds Technologies, Inc., Abacus, Recognition Interface, or Plainfield relating to any actual or potential offers to purchase the Patents-in-Suit or Related Patents, the company Mirror Worlds Technologies, Inc., and/or any technology, including software and/or source code, that is related to or covered by the Patents-in-Suit or Related Patents.

REQUEST NO. 6:

All documents and things relating to communications between or among Abacus, Lifestreams, Mirror Worlds LLC, Mirror Worlds Technologies, Plainfield, Recognition Interface and You, on the one hand, and any third party, on the other hand, relating to the Patents-in-Suit or Related Patents.

REQUEST NO. 7:

All documents and things relating to communications between or among Abacus, Lifestreams, Mirror Worlds LLC, Mirror Worlds Technologies, Plainfield, Recognition Interface and You, on the one hand, and Apple Inc. on the other hand.

REQUEST NO. 8:

All documents relating to Your past, present or future rights or interest in the Patents-in-Suit or Related Patents.

REQUEST NO. 9:

All documents and things relating to the value of the Patents-in-Suit or Related Patents.

REQUEST NO. 10:

All documents and things relating to the value of any technology, including software and/or source code, that is related to or covered by the Patents-in-Suit or Related Patents.

REQUEST NO. 11:

All documents and things relating to any valuation, due diligence, analysis, assessment, or investigation by You, Abacus, Lifestreams, Mirror Worlds LLC, Mirror Worlds Technologies, Plainfield, Recognition Interface or any other person or entity as to the value of any of the Patents-in-Suit or Related Patents, including without limitation, any due diligence, valuation or assessment in conjunction with any acquisition or transfer of rights to the Patents-in-Suit or in conjunction with the filing of documents with the Securities and Exchange Commission or Internal Revenue Service.

REQUEST NO. 12:

All documents and things relating to any formal or informal investigation, search, analysis, opinion, report, study, or observation regarding the scope, validity, infringement, enforceability, patentability, or inventorship of any of the Patents-in-Suit or any Related Patents.

REQUEST NO. 13:

All documents and things relating to any formal or informal investigation, search, analysis, opinion, report, study, or observation regarding the ownership of the '227 patent or related patents, including without limitation, the assignment to Yale of the '227 patent.

REQUEST NO. 14:

All documents and things relating to any formal or informal investigation, search, analysis, opinion, report, study, or observation regarding Yale Computer Science Department

Technical Report 1070 (TR-1070) or Christopher Hatchell's records regarding distribution of TR-1070.

REQUEST NO. 15:

All documents and things relating to any formal or informal investigation, search, analysis, opinion, report, study, or observation regarding the potential infringement of the Patents-in-Suit or Related Applications, including without limitation by Apple products..

REQUEST NO. 16:

All documents and things relating to between or among You, Mirror Worlds Technologies, Inc., Abacus, Recognition Interface, Plainfield, Mirror Worlds, LLC, or the named inventors of the Patents-in-Suit relating to any potential infringement of Apple products.

REQUEST NO. 17:

All documents and things relating to communications between or among You and any of the named inventors of the Patents-in-Suit or Related Applications relating to the litigation filed by Mirror Worlds against Apple in the United States District Court for the Eastern District of Texas, Case No. 6:08 cv 88 LED.

REQUEST NO. 18:

All documents and things relating communications between You and Mirror Worlds LLC relating to Mirror Worlds LLC's claims against Apple Inc. in the litigation filed in the United States District Court for the Eastern District of Texas, Case No. 6:08 cv 88 LED.

REQUEST NO. 19:

All documents and things relating to the value of Mirror Worlds LLC's claims against Apple Inc. in the litigation filed in the United States District Court for the Eastern District of Texas, Case No. 6:08 cv 88 LED.

REQUEST NO. 20:

All documents and things relating to any formal or informal investigation, search, analysis, opinion, report or study of Mirror Worlds LLC's claims against Apple Inc. in *Mirror Worlds LLC v. Apple Inc.*, Case No. 6:08 cv 88 LED, filed in the United States District Court for the Eastern District of Texas.

REQUEST NO. 21:

All documents and things relating to Your in role or investment in *Mirror Worlds LLC v. Apple Inc.*, Case No. 6:08 cv 88 LED, filed in the United States District Court for the Eastern District of Texas.

REQUEST NO. 22:

All documents and things relating to any financial stake or other interest of You, Abacus, Lifestreams, Mirror Worlds LLC, Mirror Worlds Technologies, Plainfield, Recognition Interface, or any third party in the outcome of or any recovery from *Mirror Worlds LLC v. Apple Inc.*, Case No. 6:08 cv 88 LED, filed in the United States District Court for the Eastern District of Texas.

REQUEST NO. 23:

All documents and things relating to Your communications with Mirror Worlds LLC or its attorneys.

REQUEST NO. 24:

All documents and things relating to any past, present or future relationship between or among Abacus, Lifestreams, Mirror Worlds LLC, Mirror Worlds Technologies, Plainfield, Recognition Interface and You, including without limitation, documents and things relating to corporate or financial relationships between or among any of the above entities.

REQUEST NO. 25:

All documents and things relating to any discussions after April 1, 2008 relating to any actual or potential sale, assignment, license, or transfer of any right or interest to the Patents-in-Suit or Related Patents, including without limitation any discussions between You, Abacus, Recognition Interface, Mirror Worlds LLC, Mirror Worlds Technologies, Inc. and/or Plainfield, on the one hand, and Intellectual Ventures, on the other.