

**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: **See Attachment B.**

PLACE OF DEPOSITION Weil Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10022	DATE AND TIME October 28, 2008 9:30 am
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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 October 20, 2008 9:30 am
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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
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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 October 2, 2008
---	-------------------------

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.

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. “Dr. Gelernter” means Dr. David Gelernter, Ph.D., or anyone working on his behalf.

4. “Dr. Carriero” means Dr. Nicholas Carriero, Ph.D., or anyone working on his behalf.

5. “Dr. Freeman” means Dr. Eric Freeman, Ph.D., or anyone working on his behalf.

6. “Scott Fertig” means Scott Fertig, or anyone working on his behalf.

7. “Randy Prager” means Randy Prager, or anyone working on his behalf.

8. “Peter Sparago” means Peter Sparago, or anyone working on his behalf.

9. “Christopher Hatchell” means Christopher Hatchell, or anyone working on his behalf.

10. “Nancy Pellegrino” means Nancy Pellegrino, or anyone working on her behalf.

11. The “Lifestreams Project” means all research, writing or work relating to the Yale Lifestreams Project (including without limitation as described at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>), or to research, writing or work relating to lifestreams by anyone associated with You or anyone affiliated with You, including without limitation, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager or Peter Sparago.

12. 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 (“227 patent”), U.S. Patent No. 6,638,313 (“313 patent”), U.S. Patent No. 6,725,427 (“427 patent”), and U.S. Patent No. 6,768,999 (“999 patent”), individually and collectively.

13. “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.

14. “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.

15. "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.

16. "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 AND THINGS

REQUEST NO. 1:

All documents and things concerning the identity, title, position and role of persons who worked on the Lifestreams Project.

REQUEST NO. 2:

All documents and things concerning Your, Dr. Gelernter's, Dr. Carriero's, Dr. Freeman's, Scott Fertig's, Randy Prager's, Peter Sparago's, or anyone else's work, research, development or design relating to the Lifestreams Project.

REQUEST NO. 3:

All documents and things concerning communications between or among You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project.

REQUEST NO. 4:

All documents and things relating to any product, system or software incorporating or embodying any ideas or concepts developed as part of the Lifestreams Project, including *inter alia*, documents and things concerning the research, development, design, engineering, manufacture, invention, patenting, testing, use, demonstration, purchase, sale, or offer for sale of ideas or concepts relating to the Lifestreams Project or any product, system or software conceived or developed as part of the Lifestreams Project

REQUEST NO. 5:

All documents and things concerning any publications, scientific articles, technical reports, presentations, demonstrations, or seminars, published, held, or given before June 28, 1996, by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager,

Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, product, system or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 6:

All documents and things concerning meetings, conferences, discussion groups, and other events attended by, hosted by, or organized before June 28, 1996 by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, product, system or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 7:

All documents and things concerning the webpage available at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>.

REQUEST NO. 8:

All documents and things concerning technical reports concerning the Lifestreams Project, including *inter alia*, Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 9:

All documents and things concerning files, indices, lists, binders, repositories or other systems for maintaining, keeping, tracking and organizing any technical reports concerning the Lifestreams Project, including *inter alia*, any files, indices, lists, or binders in the possession or control of Christopher Hatchell or Nancy Pellegrino concerning technical reports relating to the Lifestreams Project.

REQUEST NO. 10:

All documents and things concerning the distribution of any technical reports concerning the Lifestreams Project, including *inter alia*, any files, indices, lists, or records in the possession or control of Christopher Hatchell or Nancy Pellegrino concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 11:

All documents and things concerning communications between You, any person associated with You, Christopher Hatchell or Nancy Pellegrino or their predecessors, and any person seeking access to any files, indices, lists, or records concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 12:

All documents and things concerning communications between You, any person associated with You, Christopher Hatchell or Nancy Pellegrino or their predecessors, and any person seeking access to Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 13:

All documents and things concerning communications between Christopher Hatchell or Nancy Pellegrino or their predecessors, and Mirror Worlds or its attorneys.

REQUEST NO. 14:

All documents and things concerning any person or entity who requested technical reports concerning the Lifestreams Project, who received technical reports concerning the Lifestreams Project, and who had access to technical reports concerning the Lifestreams

system, including without limitation documents showing when such individuals or institutions requested, received or had access to technical reports concerning the Lifestreams Project.

REQUEST NO. 15:

All documents and things concerning policies, procedures or practices for generating, maintaining, keeping, tracking, organizing and distributing technical reports, including *inter alia*, when, where and how technical reports are generated and printed; where, how, and by whom technical reports are maintained; and when, how, by whom and to whom technical reports are distributed.

REQUEST NO. 16:

All documents and things concerning any publications, articles, reports, meetings, conferences, discussion groups, memoranda, e-mail, seminars, communications, demonstrations, presentations, or other events where technical reports concerning the Lifestreams Project are disclosed or mentioned.

REQUEST NO. 17:

All documents and things concerning the content of the fourth paragraph of the Information Disclosure Statement submitted by Richard S. Milner on March 19, 1998 to the United States Patent and Trademark Office located in the prosecution file history of the '227 patent, including without limitation, all documents and things relating to Mr. Milner's statements that the Technical Report entitled "The 'Lifestreams' Approach To Reorganizing the Information World," dated April 1995 "was stored at Yale University in the files of Christopher Hatchell, an Administrative Associate, whose tasks included distribution of this Technical Report," that "[a]ccording to Mr. Hatchell's records and to the best of his knowledge, this Technical Report was not distributed outside of the Department of Computer Science at Yale University," and that

“the list containing bibliographic information about the Technical Report from which the technical report number was determined, is kept in a locked file in the Office of Computer Science at Yale University.”

REQUEST NO. 18:

All documents and things relating to communications concerning the content of the fourth paragraph of the Information Disclosure Statement submitted by Richard S. Milner on March 19, 1998 to the United States Patent and Trademark Office located in the prosecution file history of the '227 patent.

REQUEST NO. 19:

All documents and things concerning any patent applications, draft patent applications or issued patents relating to work by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, or Peter Sparago relating to the Lifestreams Project.

REQUEST NO. 20:

All documents and things concerning the decision whether and when to seek patent protection for work relating to the Lifestreams Project, including without limitation, documents showing who participated in making the decision whether and when to seek patent protection for work relating to the Lifestreams Project and why You did not initially participate in seeking patent protection for work relating to the Lifestreams Project.

REQUEST NO. 21:

All documents and things concerning the Patents-in-Suit or Related Patents.

REQUEST NO. 22:

All documents and things relating to the prosecution of the applications that led to the Patents-in-Suit and all Related Patents.

REQUEST NO. 23:

All documents and things relating to decisions concerning who should be named as an inventor on the Patents-in-Suit, Related Patents or draft patent applications relating to the Lifestreams Project, including *inter alia*, documents relating to the Patent Office's requirement that Dr. Gelernter be added as a named inventor to at least one of the Patents-in-Suit and documents showing the identity, title, position and role of persons who contributed to the subject matter of the patents or applications and the contribution of each such person.

REQUEST NO. 24:

All documents and things prepared by or at the direction of You or the named inventors of the Patents-in-Suit or the Related Patents relating to the subject matter of any claim of the Patents-in-Suit or any Related Patents.

REQUEST NO. 25:

All documents and things relating to any communications, including without limitation any representations made by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, or Peter Sparago, regarding the scope, validity, infringement, inventorship, patentability, enforceability or value of any of the Patents-in-Suit or any Related Patents.

REQUEST NO. 26:

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, inventorship or value of any of the Patents-in-Suit or any Related Patents.

REQUEST NO. 27:

All documents and things concerning actual or potential licenses to the Patents-in-Suit or Related Patents, including without limitations, any offers to license the Patents-in-Suit or Related Patents.

REQUEST NO. 28:

All documents and things concerning the assignment of rights to the Patents-in-Suit or Related Patents.

REQUEST NO. 29:

All documents and things concerning Mirror Worlds or Mirror Worlds' products.

REQUEST NO. 30:

All documents and things concerning Your communications with Mirror Worlds.

REQUEST NO. 31:

All documents and things concerning Your, Dr. Gelernter's, Dr. Carriero's, Dr. Freeman's, Scott Fertig's, Randy Prager's, or Peter Sparago's past or present relationship with Mirror Worlds, including without limitation, any compensation received from Mirror Worlds or any past or present interest in the Patents-in-Suit or Related Patents.

ATTACHMENT B

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendant and Counterclaimant Apple Inc. hereby requests that Yale University produce a witness to testify as to the following topics.

DEFINITIONS AND INSTRUCTIONS

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. “Dr. Gelernter” means Dr. David Gelernter, Ph.D., or anyone working on his behalf.

4. “Dr. Carriero” means Dr. Nicholas Carriero, Ph.D., or anyone working on his behalf.

5. “Dr. Freeman” means Dr. Eric Freeman, Ph.D., or anyone working on his behalf.

6. “Scott Fertig” means Scott Fertig, or anyone working on his behalf.

7. “Randy Prager” means Randy Prager, or anyone working on his behalf.

8. “Peter Sparago” means Peter Sparago, or anyone working on his behalf.

9. “Christopher Hatchell” means Christopher Hatchell, or anyone working on his behalf.

10. “Nancy Pellegrino” means Nancy Pellegrino, or anyone working on her behalf.

11. The “Lifestreams Project” means all research, writing or work relating to the Yale Lifestreams Project (including without limitation as described at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>), or to research, writing or work relating to lifestreams by anyone associated with You or anyone affiliated with You, including without limitation, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager or Peter Sparago.

12. 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 (“227 patent”), U.S. Patent No. 6,638,313 (“313 patent”), U.S. Patent No. 6,725,427 (“427 patent”), and U.S. Patent No. 6,768,999 (“999 patent”), individually and collectively.

13. “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.

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

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

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

TOPICS OF EXAMINATION

TOPIC NO. 1:

All facts and circumstances relating to Your, Dr. Gelernter's, Dr. Carriero's, Dr. Freeman's, Scott Fertig's, Randy Prager's, Peter Sparago's, or anyone else's work, research, development or design relating to the Lifestreams Project, including without limitation, the identity, title, position and role of persons who worked on the Lifestreams Project, and communications between or among You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project.

TOPIC NO. 2:

All facts and circumstances relating to the research, development, design, engineering, manufacture, invention, patenting, testing, use, demonstration, purchase, sale, or offer for sale of ideas or concepts relating to the Lifestreams Project or any product, system or software conceived or developed as part of the Lifestreams Project.

TOPIC NO. 3:

All facts and circumstances relating to publications, scientific articles, technical reports, presentations, demonstrations, or seminars, published, held, or given before June 28, 1996, by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, product, system or software conceived or developed as part of the Lifestreams Project.

TOPIC NO. 4:

All facts and circumstances relating to meetings, conferences, discussion groups, and other events attended by, hosted by, or organized before June 28, 1996 by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else

concerning the Lifestreams Project or any ideas, concepts, product, system or software conceived or developed as part of the Lifestreams Project.

TOPIC NO. 5:

All facts and circumstances relating to technical reports concerning the Lifestreams Project, including, without limitation, Yale University Department of Computer Science Technical Report TR1070.

TOPIC NO. 6:

All facts and circumstances relating to files, indices, lists, binders, repositories or other systems for maintaining, keeping, tracking and organizing any technical reports concerning the Lifestreams Project, including, without limitation, any files, indices, lists, or binders in the possession or control of Christopher Hatchell or Nancy Pellegrino or their predecessors concerning technical reports relating to the Lifestreams Project.

TOPIC NO. 7:

All facts and circumstances relating to the distribution of any technical reports concerning the Lifestreams Project, including, without limitation, any files, indices, lists, or records in the possession or control of Christopher Hatchell or Nancy Pellegrino or their predecessors concerning the distribution of technical reports relating to the Lifestreams Project.

TOPIC NO. 8:

All facts and circumstances relating to communications between You, any person associated with You, Christopher Hatchell or Nancy Pellegrino or their predecessors, and any person seeking access to any files, indices, lists, or records concerning the distribution of technical reports relating to the Lifestreams Project.

TOPIC NO. 9:

All facts and circumstances relating to communications between You, any person associated with You, Christopher Hatchell or Nancy Pellegrino or their predecessors, and any person seeking access to Yale University Department of Computer Science Technical Report TR1070.

TOPIC NO. 10:

All facts and circumstances relating to communications between Christopher Hatchell or Nancy Pellegrino or their predecessors, and Mirror Worlds or its attorneys.

TOPIC NO. 11:

All facts and circumstances relating to any person or entity who requested technical reports concerning the Lifestreams Project, who received technical reports concerning the Lifestreams Project, and who had access to technical reports concerning the Lifestreams system, including *inter alia*, when such individuals or institutions requested, received or had access to technical reports concerning the Lifestreams Project.

TOPIC NO. 12:

All facts and circumstances relating to policies, procedures or practices for generating, maintaining, keeping, tracking, organizing and distributing technical reports, including *inter alia*, when, where and how technical reports are generated and printed; where, how, and by whom technical reports are maintained; and when, how, by whom and to whom technical reports are distributed.

TOPIC NO. 13:

All facts and circumstances relating to the fourth paragraph of the Information Disclosure Statement submitted by Richard S. Milner on March 19, 1998 to the United States

Patent and Trademark Office located in the prosecution file history of the '227 patent, including without limitation, All facts and circumstances relating to Mr. Milner's statements that the Technical Report entitled "The 'Lifestreams' Approach To Reorganizing the Information World," dated April 1995 "was stored at Yale University in the files of Christopher Hatchell, an Administrative Associate, whose tasks included distribution of this Technical Report," that "According to Mr. Hatchell's records and to the best of his knowledge, this Technical Report was not distributed outside of the Department of Computer Science at Yale University," and that "the list containing bibliographic information about the Technical Report from which the technical report number was determined, is kept in a locked file in the Office of Computer Science at Yale University."

TOPIC NO. 14:

All facts and circumstances relating to communications concerning the content of the fourth paragraph of the Information Disclosure Statement submitted by Richard S. Milner on March 19, 1998 to the United States Patent and Trademark Office located in the prosecution file history of the '227 patent.

TOPIC NO. 15:

All facts and circumstances relating to any patent applications, draft patent applications or issued patents relating to work by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, or Peter Sparago relating to the Lifestreams Project.

TOPIC NO. 16:

All facts and circumstances relating to the decision whether and when to seek patent protection for work relating to the Lifestreams Project, including *inter alia*, who participated in making the decision whether and when to seek patent protection for work relating

to the Lifestreams Project and why You did not initially participate in seeking patent protection for work relating to the Lifestreams Project.

TOPIC NO. 17:

All facts and circumstances relating to the prosecution of the applications that led to the Patents-in-Suit and Related Patents, including *inter alia*, the decision concerning who should be named as an inventor on patent applications or draft patent applications relating to the Lifestreams Project, and the Patent Office's requirement that Dr. Gelernter be added as a named inventor to at least one of the Patents-in-Suit.

TOPIC NO. 18:

All documents and things relating to any communications, including without limitation any representations made by You, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, or Peter Sparago, regarding the scope, validity, infringement, inventorship, patentability, enforceability or value of any of the Patents-in-Suit or any Related Patents.

TOPIC NO. 19:

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

TOPIC NO. 20:

All facts and circumstances relating to efforts to license the Patents-in-Suit or Related Patents.

TOPIC NO. 21:

All facts and circumstances relating to the assignment of rights to the Patents-in-Suit or Related Patents.

TOPIC NO. 22:

All facts and circumstances relating to Your communications with Mirror Worlds.

TOPIC NO. 23:

All documents and things concerning Your, Dr. Gelernter's, Dr. Carriero's, Dr. Freeman's, Scott Fertig's, Randy Prager's, or Peter Sparago's past or present relationship with Mirror Worlds, including without limitation, any compensation received from Mirror Worlds or any past or present interest in the Patents-in-Suit or Related Patents.

**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: **Nicholas Carriero**
827 Still Hill Rd
Hamden, CT 06518

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.

PLACE OF DEPOSITION Weil Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10022	DATE AND TIME October 31, 2008 9:30 am
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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 October 20, 2008 9:30 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

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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 October 2, 2008
---	-------------------------

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.

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 Dr. Nicholas Carriero, Ph.D. produce for inspection and copying the documents and things requested.

DEFINITIONS

1. “Yale” means 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. “You” or “Your” means you, Dr. Nicholas Carriero, Ph.D., or anyone working on your behalf.

3. “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.

4. “Dr. Gelernter” means Dr. David Gelernter, Ph.D., or anyone working on his behalf.

5. “Dr. Freeman” means Dr. Eric Freeman, Ph.D., or anyone working on his behalf.

6. “Scott Fertig” means Scott Fertig, or anyone working on his behalf.

7. “Randy Prager” means Randy Prager, or anyone working on his behalf.

8. “Peter Sparago” means Peter Sparago, or anyone working on his behalf.

9. “Christopher Hatchell” means Christopher Hatchell, or anyone working on his behalf.

10. “Nancy Pellegrino” means Nancy Pellegrino, or anyone working on her behalf.

11. The “Lifestreams Project” means all research, writing or work relating to the Yale Lifestreams Project (including without limitation as described at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>), or to research, writing or work relating to lifestreams by anyone associated with Yale or anyone affiliated with Yale, including without limitation, You, Dr. Gelernter, Dr. Freeman, Scott Fertig, Randy Prager or Peter Sparago.

12. 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 (“227 patent”), U.S. Patent No. 6,638,313 (“313 patent”), U.S. Patent No. 6,725,427 (“427 patent”), and U.S. Patent No. 6,768,999 (“999 patent”), individually and collectively.

13. “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.

14. “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.

15. "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.

16. "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 AND THINGS

REQUEST NO. 1:

All documents and things concerning You, Yale's, Dr. Gelernter's, Dr. Freeman's, Scott Fertig's, Randy Prager's, Peter Sparago's, or anyone else's work, research, development or design relating to the Lifestreams Project.

REQUEST NO. 2:

All documents and things concerning communications between or among You, Yale, Dr. Gelernter, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project.

REQUEST NO. 3:

All documents and things relating to any product or system incorporating or embodying any ideas or concepts developed as part of the Lifestreams Project, including *inter alia*, documents and things concerning the research, development, design, engineering, manufacture, invention, patenting, testing, use, demonstration, purchase, sale, or offer for sale of ideas or concepts relating to the Lifestreams Project or any product, system, or software conceived or developed as part of the Lifestreams Project

REQUEST NO. 4:

All documents and things concerning any publications, scientific articles, technical reports, presentations, demonstrations, or seminars, published, held, or given before June 28, 1996, by You, Yale, Dr. Gelernter, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, product, system or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 5:

All documents and things concerning meetings, conferences, discussion groups, and other events attended by, hosted by, or organized before June 28, 1996 by You, Yale, Dr. Gelernter, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, products, systems or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 6:

All documents and things concerning the webpage available at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>.

REQUEST NO. 7:

All documents and things concerning technical reports concerning the Lifestreams Project, including *inter alia*, Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 8:

All documents and things concerning files, indices, lists, binders, repositories or other systems for maintaining, keeping, tracking and organizing any technical reports concerning the Lifestreams Project.

REQUEST NO. 9:

All documents and things concerning the distribution of any technical reports concerning the Lifestreams Project.

REQUEST NO. 10:

All documents and things concerning communications between You, Yale, or any person associated with You or Yale and any person seeking access to any files, indices, lists, or records concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 11:

All documents and things concerning communications between You, Yale, or any person associated with You or Yale and any person seeking access to Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 12:

All documents and things concerning communications between You and Mirror Worlds or its attorneys.

REQUEST NO. 13:

All documents and things concerning any person or entity who requested technical reports concerning the Lifestreams Project, who received technical reports concerning the Lifestreams Project, and who had access to technical reports concerning the Lifestreams system, including without limitation documents showing when such individuals or institutions requested, received or had access to technical reports concerning the Lifestreams Project.

REQUEST NO. 14:

All documents and things concerning policies, procedures or practices for generating, maintaining, keeping, tracking, organizing and distributing technical reports, including *inter alia*, when, where and how technical reports are generated and printed; where, how, and by whom technical reports are maintained; and when, how, by whom and to whom technical reports are distributed.

REQUEST NO. 15:

All documents and things concerning any publications, articles, reports, meetings, conferences, discussion groups, memoranda, e-mail, seminars, communications, demonstrations, presentations, or other events where technical reports concerning the Lifestreams Project are disclosed or mentioned.

REQUEST NO. 16:

All documents and things concerning any patent applications, draft patent applications or issued patents relating to work by You, Yale, Dr. Gelernter, Dr. Freeman, Scott Fertig, Randy Prager, or Peter Sparago relating to the Lifestreams Project.

REQUEST NO. 17:

All documents and things concerning the decision whether and when to seek patent protection for work relating to the Lifestreams Project, including without limitation, documents showing who participated in making the decision whether and when to seek patent protection for work relating to the Lifestreams Project and why You or Yale did not initially participate in seeking patent protection for work relating to the Lifestreams Project.

REQUEST NO. 18:

All documents and things concerning the Patents-in-Suit or Related Patents.

REQUEST NO. 19:

All documents and things relating to decisions concerning who should be named as an inventor on the Patents-in-Suit, Related Patents or draft patent applications relating to the Lifestreams Project, including *inter alia*, documents relating to why you are not named as an inventor on the Patents-in-suit, Related Patents or draft patent applications to relating to the Lifestreams Project.

REQUEST NO. 20:

All documents and things concerning Mirror Worlds or Mirror Worlds' products.

REQUEST NO. 21:

All documents and things concerning Your, Yale's, Dr. Gelernter's, Dr. Freeman's, Scott Fertig's, Randy Prager's, or Peter Sparago's past or present relationship with Mirror Worlds, including without limitation, any compensation received from Mirror Worlds or any past or present interest in the Patents-in-Suit or Related Patents.

**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: **David Gelernter**
3 Mohawk Ln
Woodbridge, CT 06525

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.

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 October 20, 2008 9:30 am
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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
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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)  ATTORNEY FOR DEFENDANT APPLE INC.	DATE October 2, 2008
---	-------------------------

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.

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		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 Dr. David Gelernter, Ph.D. produce for inspection and copying the documents and things requested.

DEFINITIONS

1. “Yale” means 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. “You” or “Your” means you, Dr. David Gelernter, Ph.D., or anyone working on your behalf.

3. “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.

4. “Dr. Carriero” means Dr. Nicholas Carriero, Ph.D., or anyone working on his behalf.

5. “Dr. Freeman” means Dr. Eric Freeman, Ph.D., or anyone working on his behalf.

6. “Scott Fertig” means Scott Fertig, or anyone working on his behalf.

7. “Randy Prager” means Randy Prager, or anyone working on his behalf.

8. “Peter Sparago” means Peter Sparago, or anyone working on his behalf.

9. “Christopher Hatchell” means Christopher Hatchell, or anyone working on his behalf.

10. “Nancy Pellegrino” means Nancy Pellegrino, or anyone working on her behalf.

11. The “Lifestreams Project” means all research, writing or work relating to the Yale Lifestreams Project (including without limitation as described at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>), or to research, writing or work relating to lifestreams by anyone associated with Yale or anyone affiliated with Yale, including without limitation, You, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager or Peter Sparago.

12. 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 (“227 patent”), U.S. Patent No. 6,638,313 (“313 patent”), U.S. Patent No. 6,725,427 (“427 patent”), and U.S. Patent No. 6,768,999 (“999 patent”), individually and collectively.

13. “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.

14. “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.

15. “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.

16. “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 AND THINGS

REQUEST NO. 1:

All documents and things concerning the identity, title, position and role of persons who worked on the Lifestreams Project.

REQUEST NO. 2:

All documents and things concerning Yale's, Your, Dr. Carriero's, Dr. Freeman's, Scott Fertig's, Randy Prager's, Peter Sparago's, or anyone else's work, research, development or design relating to the Lifestreams Project.

REQUEST NO. 3:

All documents and things concerning communications between or among Yale, You, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project.

REQUEST NO. 4:

All documents and things relating to any product, system or software incorporating or embodying any ideas or concepts developed as part of the Lifestreams Project, including *inter alia*, documents and things concerning the research, development, design, engineering, manufacture, invention, patenting, testing, use, demonstration, purchase, sale, or offer for sale of ideas or concepts relating to the Lifestreams Project or any product, system or software conceived or developed as part of the Lifestreams Project

REQUEST NO. 5:

All documents and things concerning any publications, scientific articles, technical reports, presentations, demonstrations, or seminars, published, held, or given before June 28, 1996, by Yale, You, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter

Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, products, systems, or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 6:

All documents and things concerning meetings, conferences, discussion groups, and other events attended by, hosted by, or organized before June 28, 1996 by Yale, You, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, products, systems, or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 7:

All documents and things concerning the webpage available at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>.

REQUEST NO. 8:

All documents and things concerning technical reports concerning the Lifestreams Project, including *inter alia*, Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 9:

All documents and things concerning files, indices, lists, binders, repositories or other systems for maintaining, keeping, tracking and organizing any technical reports concerning the Lifestreams Project.

REQUEST NO. 10:

All documents and things concerning the distribution of any technical reports concerning the Lifestreams Project.

REQUEST NO. 11:

All documents and things concerning communications between You, Yale, or any person associated with You or Yale and any person seeking access to any files, indices, lists, or records concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 12:

All documents and things concerning communications between You, Yale, or any person associated with You or Yale and any person seeking access to Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 13:

All documents and things concerning communications between You and Mirror Worlds or its attorneys.

REQUEST NO. 14:

All documents and things concerning any person or entity who requested technical reports concerning the Lifestreams Project, who received technical reports concerning the Lifestreams Project, and who had access to technical reports concerning the Lifestreams system, including without limitation documents showing when such individuals or institutions requested, received or had access to technical reports concerning the Lifestreams Project.

REQUEST NO. 15:

All documents and things concerning policies, procedures or practices for generating, maintaining, keeping, tracking, organizing and distributing technical reports, including *inter alia*, when, where and how technical reports are generated and printed; where, how, and by whom technical reports are maintained; and when, how, by whom and to whom technical reports are distributed.

REQUEST NO. 16:

All documents and things concerning any publications, articles, reports, meetings, conferences, discussion groups, memoranda, e-mail, seminars, communications, demonstrations, presentations, or other events where technical reports concerning the Lifestreams Project are disclosed or mentioned.

REQUEST NO. 17:

All documents and things concerning any patent applications, draft patent applications or issued patents relating to work by Yale, You, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, or Peter Sparago relating to the Lifestreams Project.

REQUEST NO. 18:

All documents and things concerning the decision whether and when to seek patent protection for work relating to the Lifestreams Project, including without limitation, documents showing who participated in making the decision whether and when to seek patent protection for work relating to the Lifestreams Project and why Yale did not initially participate in seeking patent protection for work relating to the Lifestreams Project.

REQUEST NO. 19:

All documents and things concerning the Patents-in-Suit or Related Patents.

REQUEST NO. 20:

All documents and things relating to the prosecution of the applications that led to the Patents-in-Suit and all Related Patents.

REQUEST NO. 21:

All documents and things relating to decisions concerning who should be named as an inventor on the Patents-in-Suit, Related Patents or draft patent applications relating to the Lifestreams Project, including *inter alia*, documents relating to the Patent Office's requirement that You be added as a named inventor to at least one of the Patents-in-Suit and documents showing the identity, title, position and role of persons who contributed to the subject matter of the patents or applications and the contribution of each such person.

REQUEST NO. 22:

All documents and things prepared by or at the direction of You or the other named inventors of the Patents-in-Suit or the Related Patents relating to the subject matter of any claim of the Patents-in-Suit or any Related Patents.

REQUEST NO. 23:

All documents and things relating to any communications, including without limitation any representations made by Yale, You, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, or Peter Sparago, regarding the scope, validity, infringement, inventorship, patentability, enforceability or value of any of the Patents-in-Suit or any Related Patents.

REQUEST NO. 24:

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, inventorship or value of any of the Patents-in-Suit or any Related Patents.

REQUEST NO. 25:

All documents and things concerning actual or potential licenses to the Patents-in-Suit or Related Patents, including without limitations, any offers to license the Patents-in-Suit or Related Patents.

REQUEST NO. 26:

All documents and things concerning the assignment of rights to the Patents-in-Suit or Related Patents.

REQUEST NO. 27:

All documents and things concerning Mirror Worlds or Mirror Worlds' products.

REQUEST NO. 28:

All documents and things concerning Your, Yale's, Dr. Carriero's, Dr. Freeman's, Scott Fertig's, Randy Prager's, or Peter Sparago's past or present relationship with Mirror Worlds, including without limitation, any compensation received from Mirror Worlds or any past or present interest in the Patents-in-Suit or Related Patents.

**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: **Christopher Hatchell**
123 York St
New Haven, CT 06511

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.

PLACE OF DEPOSITION Weil Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10022	DATE AND TIME October 29, 2008 9:30 am
---	--

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 October 20, 2008 9:30 am
---	--

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

PREMISES	DATE AND TIME
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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)  ATTORNEY FOR DEFENDANT APPLE INC.	DATE October 2, 2008
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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.

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 Christopher Hatchell produce for inspection and copying the documents and things requested.

DEFINITIONS

1. “Yale” means 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. “You” or “Your” means you, Christopher Hatchell, or anyone working on your behalf.

3. “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.

4. “Dr. Gelernter” means Dr. David Gelernter, Ph.D., or anyone working on his behalf.

5. “Dr. Carriero” means Dr. Nicholas Carriero, Ph.D., or anyone working on his behalf.

6. “Dr. Freeman” means Dr. Eric Freeman, Ph.D., or anyone working on his behalf.

7. “Scott Fertig” means Scott Fertig, or anyone working on his behalf.

8. "Randy Prager" means Randy Prager, or anyone working on his behalf.
9. "Peter Sparago" means Peter Sparago, or anyone working on his behalf.
10. The "Lifestreams Project" means all research, writing or work relating to the Yale Lifestreams Project (including without limitation as described at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>), or to research, writing or work relating to lifestreams by anyone associated with Yale or anyone affiliated with Yale, including without limitation, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager or Peter Sparago.
11. "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.
12. "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.
13. "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 AND THINGS

REQUEST NO. 1:

All documents and things relating to technical reports concerning the Lifestreams Project, including, without limitation, Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 2:

All documents and things relating to files, indices, lists, binders, repositories or other systems for maintaining, keeping, tracking and organizing any technical reports concerning the Lifestreams Project, including, without limitation, any files, indices, lists, or binders in Your possession or control concerning technical reports relating to the Lifestreams Project.

REQUEST NO. 3:

All documents and things relating to the distribution of any technical reports concerning the Lifestreams Project, including, without limitation, any files, indices, lists, or records in Your possession or control concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 4:

All documents and things relating to communications between You and any person seeking access to any files, indices, lists, or records concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 5:

All documents and things concerning communications between You and any person seeking access to Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 6:

All documents and things concerning any person or entity who requested technical reports concerning the Lifestreams Project, who received technical reports concerning the Lifestreams Project, and who had access to technical reports concerning the Lifestreams system, including *inter alia*, when such individuals or institutions requested, received or had access to technical reports concerning the Lifestreams Project.

REQUEST NO. 7:

All documents and things concerning policies, procedures or practices for generating, maintaining, keeping, tracking, organizing and distributing technical reports, including *inter alia*, when, where and how technical reports are generated and printed; where, how, and by whom technical reports are maintained; and when, how, by whom and to whom technical reports are distributed.

REQUEST NO. 8:

All documents and things concerning the content of the fourth paragraph of the Information Disclosure Statement submitted by Richard S. Milner on March 19, 1998 to the United States Patent and Trademark Office located in the prosecution file history of U.S. Patent No. 6,006,227, including without limitation, all documents and things relating to Mr. Milner's statements that the Technical Report entitled "The 'Lifestreams' Approach To Reorganizing the Information World," dated April 1995 "was stored at Yale University in the files of Christopher Hatchell, an Administrative Associate, whose tasks included distribution of this Technical Report," that "According to Mr. Hatchell's records and to the best of his knowledge, this Technical Report was not distributed outside of the Department of Computer Science at Yale University," and that "the list containing bibliographic information about the Technical Report

from which the technical report number was determined, is kept in a locked file in the Office of Computer Science at Yale University.”

REQUEST NO. 9:

All documents and things relating to communications between You and any other person or entity concerning the content of the fourth paragraph of the Information Disclosure Statement submitted by Richard S. Milner on March 19, 1998 to the United States Patent and Trademark Office located in the prosecution file history of U.S. Patent No. 6,006,227.

REQUEST NO. 10:

All documents and things concerning any publications, scientific articles, technical reports, presentations, demonstrations, or seminars, published, held, or given before June 28, 1996, by Yale, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, products or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 11:

All documents and things concerning meetings, conferences, discussion groups, and other events attended by, hosted by, or organized before June 28, 1996 by Yale, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager, Peter Sparago, or anyone else concerning the Lifestreams Project or any ideas, concepts, products or software conceived or developed as part of the Lifestreams Project.

REQUEST NO. 12:

All documents and things concerning communications between You and Mirror Worlds.

REQUEST NO. 13:

All documents and things concerning Your past or present relationship with Mirror Worlds, including without limitation, any compensation received from Mirror Worlds or its attorneys.

**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: **Nancy Pellegrino**
29 Douglass Ave
East Haven, CT 06512

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.

PLACE OF DEPOSITION Weil Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10022	DATE AND TIME October 30, 2008 9:30 am
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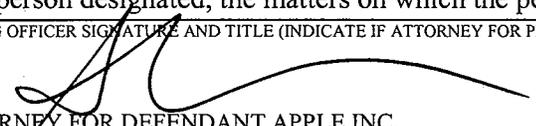
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Attachment A.**

PLACE Weil Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10022	DATE AND TIME October 20, 2008 9:30 am
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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
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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 October 2, 2008
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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.

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 Nancy Pellegrino produce for inspection and copying the documents and things requested.

DEFINITIONS

1. “Yale” means 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. “You” or “Your” means you, Nancy Pellgrino, or anyone working on your behalf.

3. “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.

4. “Dr. Gelernter” means Dr. David Gelernter, Ph.D., or anyone working on his behalf.

5. “Dr. Carriero” means Dr. Nicholas Carriero, Ph.D., or anyone working on his behalf.

6. “Dr. Freeman” means Dr. Eric Freeman, Ph.D., or anyone working on his behalf.

7. “Scott Fertig” means Scott Fertig, or anyone working on his behalf.

8. “Randy Prager” means Randy Prager, or anyone working on his behalf.

9. “Peter Sparago” means Peter Sparago, or anyone working on his behalf.

10. The “Lifestreams Project” means all research, writing or work relating to the Yale Lifestreams Project (including without limitation as described at <http://cs-www.cs.yale.edu/homes/freeman/lifestreams.html>), or to research, writing or work relating to lifestreams by anyone associated with Yale or anyone affiliated with Yale, including without limitation, Dr. Gelernter, Dr. Carriero, Dr. Freeman, Scott Fertig, Randy Prager or Peter Sparago.

11. “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.

12. “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.

13. “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 AND THINGS

REQUEST NO. 1:

All documents and things relating to technical reports concerning the Lifestreams Project, including, without limitation, Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 2:

All documents and things relating to files, indices, lists, binders, repositories or other systems for maintaining, keeping, tracking and organizing any technical reports concerning the Lifestreams Project, including, without limitation, any files, indices, lists, or binders in Your possession or control or the possession or control of Your predecessor(s) concerning technical reports relating to the Lifestreams Project.

REQUEST NO. 3:

All documents and things relating to the distribution of any technical reports concerning the Lifestreams Project, including, without limitation, any files, indices, lists, or records in Your possession or control or the possession or control of Your predecessor(s) concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 4:

All documents and things relating to communications between You or Your predecessor(s) and any person seeking access to any files, indices, lists, or records concerning the distribution of technical reports relating to the Lifestreams Project.

REQUEST NO. 5:

All documents and things concerning communications between You or Your predecessor(s) and any person seeking access to Yale University Department of Computer Science Technical Report TR1070.

REQUEST NO. 6:

All documents and things concerning any person or entity who requested technical reports concerning the Lifestreams Project, who received technical reports concerning the Lifestreams Project, and who had access to technical reports concerning the Lifestreams system, including *inter alia*, when such individuals or institutions requested, received or had access to technical reports concerning the Lifestreams Project.

REQUEST NO. 7:

All documents and things concerning policies, procedures or practices for generating, maintaining, keeping, tracking, organizing and distributing technical reports, including *inter alia*, when, where and how technical reports are generated and printed; where, how, and by whom technical reports are maintained; and when, how, by whom and to whom technical reports are distributed.

REQUEST NO. 8:

All documents and things concerning Your past or present relationship with Mirror Worlds, including without limitation, any compensation received from Mirror Worlds or its attorneys.

REQUEST NO. 9:

All documents and things concerning communications between You and Mirror Worlds.