

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DELIVERANCE POKER, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 1:10-CV-00664-JRN
	§	
MICHAEL MIZRACHI and	§	
TILTWARE, LLC,	§	
	§	
Defendants.	§	

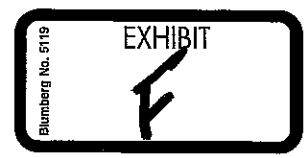
**DEFENDANT TILTWARE, LLC'S RESPONSES TO  
PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: Plaintiff Deliverance Poker, LLC, by and through its attorney of record, Douglas M. Becker, Gray & Becker, P.C., 800 West Avenue, Austin, Texas 78701.

Pursuant to the provisions of Rule 34 of the Federal Rules of Civil Procedure, Defendant Tiltware, LLC, submits its response to Plaintiff Deliverance Poker, LLC's Second Request for Production of Documents. Defendant has not fully completed the investigation of the facts relating to this case, and has not completed discovery. Accordingly, Defendant reserves the right to supplement its answers as additional information becomes known.

Respectfully submitted,

/s/ John P. Henry  
 John P. Henry  
 The Law Offices of John Henry, P.C.  
 407 W. Liberty St.  
 Round Rock, Texas 78664  
 (512)428-5448  
 (512)428-6418 Facsimile  
 jhenry@jehnrylaw.com  
**Attorneys for Defendant Tiltware, LLC**



**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of February, 2011, I caused the foregoing Document to be delivered via facsimile to the following parties, through their attorney of record:

/s/ John P. Henry\_\_\_\_\_

John P. Henry

Douglas M. Becker  
Gray & Becker, P.C.  
900 West Avenue  
Austin, Texas 78701  
(512) 482-0924  
**Attorneys for Plaintiff**

## GENERAL OBJECTIONS

1. In responding to these discovery requests ("Requests"), Defendant conducted and will continue to conduct a reasonable search of records presently kept in the ordinary course of business where it would likely expect to find information or documents responsive to a particular Request. To the extent that a given Request contemplates some other type of search or response, including but not limited to ascertaining information or obtaining documents not within Defendant's possession, custody or control, Defendant objects to the request on the grounds that it is overbroad and unduly burdensome, and seeks information beyond the scope of Rules 26 and 34 of the Federal Rule of Civil Procedure.

2. Defendant generally objects to these Requests and their Definitions to the extent that any of them may be construed as calling for the production of documents subject to a claim of privilege or immunity, including, without limitation, the attorney-client privilege and work-product immunity. The inadvertent production of any document or information subject to such privileges or protections is not intended to relinquish any privilege or protection and shall not be deemed to constitute a waiver of any applicable privilege or protection.

3. Defendant objects to these Requests and their Definitions to the extent that they imply the existence of facts or circumstances that do not or did not exist and to the extent that they state or assume legal conclusions. In providing these responses and objections, Defendant does not admit the factual or legal premise of any of the Requests or their Definitions.

4. Any statement herein that Defendant will produce documents responsive to a particular Request is not a representation that such documents exist or are within Defendant's actual possession, custody or control. Rather, such a statement indicates that, if Defendant has responsive documents within its possession, custody or control, and the production of the

documents is not otherwise objected to, it will produce them subject to its objections.

5. Defendant's decision to provide information or documents notwithstanding the objectionable nature of the Requests should not be construed as any of (a) an acknowledgment that the material is relevant; (b) a waiver of the General Objections, or the specific objections asserted in response to specific interrogatories; or (c) an agreement that requests for similar information will be treated in a similar manner.

6. These General Objections, are incorporated into each specific response and objection set forth below, whether generally or as to each or any specific Request, as if fully set forth, and may not be repeated in each specific response or objection. Where a General Objection is repeated or referred to in a specific response, it is for emphasis only.

7. The production of any information or documents pursuant to these Requests is not, and shall not be construed as, an admission to the relevance of the subject matter of any of the individual Requests and, moreover, is without prejudice to all objections to the use of any documents produced or responses made by Defendant.

8. Defendant has not fully completed its investigation of the facts relating to this case, has not completed discovery, and has not completed their preparation for trial. Accordingly, Defendant reserves the right to supplement its responses and production as additional responsive documents, if any, become known. These General Objections are incorporated into and otherwise apply to any such supplementation or amendment, including any additional productions of documents.

## RESPONSES

Defendant incorporates the General Objections, into each of its Responses to the Document Requests below as though set forth fully therein.

1. All documents mentioning or concerning Deliverance Poker, LLC.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

2. All documents mentioning or concerning C.Y. Benavides, III.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

3. All documents concerning the market share of Tiltware.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

4. All documents concerning any effects on the market share of Tiltware.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

5. All marketing plans or concepts for promoting Tiltware.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

6. All documents concerning any entity that is in the online gaming industry.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

7. All documents concerning any entity that is in the online poker industry.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

8. An organizational chart for Tiltware.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

9. All documents concerning advertising for Tiltware.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

10. All documents concerning the advertising budget for Tiltware.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

11. All documents concerning the brand or brand awareness of "Full Tilt Poker."

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

12. All documents concerning the development of the brand or brand awareness of "Full Tilt Poker."

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

13. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2010 World Series of Poker.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

14. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2009 World Series of Poker.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

15. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2008 World Series of Poker.

RESPONSE:

Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

16. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2007 World Series of Poker.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

17. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2006 World Series of Poker.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

18. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) for 2010. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

19. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) for 2009. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

20. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) for 2008. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

21. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) for 2007. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

22. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) for 2006. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

23. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2005. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

24. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2004. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

25. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2003. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

26. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2002. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

27. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2001. This request includes, but is not limited to, number of visits, average time on site, new visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

28. All documents concerning website traffic analysis for the website www.fulltiltpoker.com during and after any television airing of any of the play of 2010 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.



29. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) during and after any television airing of any of the play of 2009 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

30. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) during and after any television airing of any of the play of 2008 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

31. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) during and after any television airing of any of the play of 2007 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

32. All documents concerning website traffic analysis for the website [www.fulltiltpoker.com](http://www.fulltiltpoker.com) during and after any television airing of any of the play of 2006 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

----- Original Message -----

**Sent:** Tuesday, February 22, 2011 10:18 PM