

SUSMAN GODFREY L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
SUITE 5100
1000 LOUISIANA STREET
HOUSTON, TEXAS 77002-5096
(713) 651-9366
FAX (713) 654-6666
WWW.SUSMANGODFREY.COM

SUITE 5100
901 MAIN STREET
DALLAS, TEXAS 75202-3775
(214) 754-1900

SUITE 950
1901 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-6029
(310) 789-3100

SUITE 3800
1201 THIRD AVENUE
SEATTLE, WASHINGTON 98101-3000
(206) 516-3880

15TH FLOOR
560 LEXINGTON AVENUE
NEW YORK, NEW YORK 10022-6828
(212) 336-8330

RYAN CAUGHEY
DIRECT DIAL (713) 653-7823

E-MAIL RCAUGHEY@SUSMANGODFREY.COM

November 13, 2014

VIA E-MAIL

Gene W. Lee
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036-8704

Re: *Worlds Inc. v. Activision Blizzard et al.*

Dear Gene:

We are writing to follow up on our call from Monday, to address two issues we have not closed the loop on: accused products and email discovery.

1. Accused Products

On our call, you explained that Defendants are unwilling to go forward with technical 30(b)(6) depositions or, subject to further investigation, complete their document production until Defendants know whether Worlds intends to add additional accused products to the lawsuit.

Worlds does intend to add Call of Duty: Advanced Warfare, **Destiny**, and World of Warcraft: Warlords of Draenor **to the lawsuit**. Worlds also reserves the right to add any future titles to this lawsuit, to the extent Defendants release additional infringing titles. Will Defendants stipulate that Advanced Warfare and Destiny operate materially the same as recent Call of Duty titles, and that Warlords of Draenor, which we understand to be simply an expansion pack, operates materially the same as World of Warcraft?

If Defendants will not stipulate, Worlds requests that Defendants promptly make the source code available for inspection for those three titles. Then, Worlds will agree to serve preliminary infringement contentions within 45 days of reviewing the source code. At that point, the titles would be accused products in this case, and the parties could progress with discovery into those titles and 30(b)(6) depositions. This was the procedure we used for Call of Duty: Ghosts. Please let us know if you agree.

2. Email Discovery

We also still need to address email discovery. I want to clarify our request on this issue. The e-discovery order provides for five custodians per party. Therefore, please identify 4 custodians from each of the 3 defendants (Activision Blizzard, Inc., Activision Publishing, Inc., and Blizzard Entertainment, Inc.) most likely to have sent and received email messages and documents relevant to the accused products. We will reserve one custodian for each of the three companies. For Activision Publishing, Inc. and Blizzard Entertainment, Inc., we request that Activision identify two technical employees and two marketing employees who are most likely to have sent and received the greatest number of email messages and documents relating to the accused products. For Activision Blizzard, we request that you identify the four employees most likely to have sent and received email messages and documents relevant to the accused products, irrespective of their position.

As we explained in our letter of October 28, on November 21, 2013, in connection with correspondence on this issue, Mr. Greene asked Worlds for a list of proposed search terms pursuant to the e-discovery order. Mr. Greene explained, “[w]e will not bind you to the terms that you provide at this time, it would just be helpful for us to make sure that we identify the right custodians.” For the technical employees, we anticipate using terms similar to the following: client, server, avatar, filter, bandwidth. For the marketing employees, we anticipate using terms similar to the following: feature, user, avatar, multiplayer, bandwidth. Please note that, pursuant to the order, Worlds anticipates using individualized terms for each custodian, and the terms identified above are merely indicative (i.e., in line with Mr. Greene’s email, Worlds reserves the right to amend the proposed terms).

In addition, Worlds anticipates that, because of the significant number of accused products, across many platforms, Worlds may need to collect email from additional custodians and reserves the right to make such a request to Defendants or the Court in the future.

Finally, please confirm that, in collecting non-email documents, Defendants have searched all relevant central document repositories (including hard-copy document

November 13, 2014

Page 3

repositories), as well as the files of individual custodians who possess or control relevant information.

* * *

Please let us know your positions on these issues. If you have any issues with the foregoing, we would like to set up a call next Monday or Tuesday to discuss.

Sincerely,

/s/ Ryan V. Caughey