

NIXON PEABODY<sup>LLP</sup>  
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September 29, 2008

Honorable Lawrence E. Kahn  
United States District Court  
445 Broadway  
Albany, New York 12207

RE: Richard Minsky, an individual, d/b/a SLART Enterprises *v*  
Linden Research, Inc. d/b/a Linden Lab, *et al.*  
Civil Action No.: 08-CV-0819 (LEK/DRH)

Dear Judge Kahn:

As you know, this firm along with Cooley Godward Kronish LLP represents the defendants in the above-referenced case. We are writing for two purposes. First, we wish to notify the court that we appear to have an agreement in principle with Mr. Minsky to convert the existing TRO into a preliminary injunction. And second, in light of the prospect of this conversion approach, we request a one-week extension of the current September 29th date for the service of discovery demands, reflected in your September 16th Order.

On behalf of the defendants, my co-counsel Janet Cullum first offered the idea of converting the TRO to a preliminary injunction to Mr. Minsky in an e-mail last Tuesday, September 23rd. After addressing some concerns Mr. Minsky expressed about evidence preservation in a further e-mail to Mr. Minsky last Thursday (9/25), Ms. Cullum suggested that the parties agree to the one-week discovery demand deadline sought herein in order to "further discuss and, if agreed, implement the conversion of the TRO to a preliminary injunction." Although Mr. Minsky responded to Ms. Cullum's e-mail this morning, indicating that "we will be able to go forward and convert [the TRO] to the Preliminary Injunction," he did not respond to our request that we extend the discovery date by one week in order to address the details of the conversion. As a result, Ms. Cullum sent a further follow-up e-mail requesting an answer. As of the time of writing of this letter, we have received no response.

Accordingly, because we do not want the existing date for the service of discovery demands to pass without addressing the court on this issue, we are

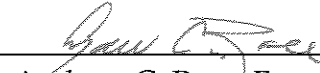
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requesting that the parties have until October 6th to serve those demands. In the interim, we are hopeful that we can formalize the TRO conversion with Mr. Minsky, and submit an order on that point for your consideration.

Respectfully,

NIXON PEABODY LLP

  
By: Andrew C. Rose, Esq.

ACR/ema

cc: Mr. Richard Minsky  
Janet L. Cullum, Esq.

**SO ORDERED**

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HON. LAWRENCE E. KAHN  
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