

FACT SHEET

FACTS OF THE CASE

The complaint was for "unfair competition" defined under Section 168 of Republic Act No. 8293 or the Intellectual Property Code of the Philippines.

By selling the NBA2K13 Products without authority from EpicSoft and/or XPlay, the exclusive distributor thereof in the Philippines, Datablitz, Inc. took a "free ride" on the good will and marketing excitement established by XPlay, thereby engaging in "unfair competition" to the prejudice of Xplay and all of its rightful distributors most of which are small retail outlets.

MEETINGS WITH DATABLITZ

- ***Meeting between Take 2 Interactive, X-Play, and Datablitz***
 - o Date: September 6, 2012
 - o Location: New World Hotel
 - o Discussion Points:
 - § X-Play will be Official Distributor for NBA 2K13
 - § X-Play wants Datablitz as a primary partner, and requested Datablitz to advise on support requirements it would need for NBA 2K13
- ***Distributors Conference 1***
 - o Date: September 13, 2012
 - o Location: Max Restaurant, Gateway Mall, Cubao, Quezon City
 - o Attendees: Sandra Lu, Datablitz Purchasing Head
Orpha Oambas, Datablitz Marketing and Events Manager
 - o Discussion Points:
 - § Briefing on X-Play Product Portfolio
 - § Briefing on Marketing Programs
 - § Discussion of Commercial Terms and Trade Concerns
- ***Distributors Conference 2***
 - o Date: September 27, 2012
 - o Location: Max Restaurant, Gateway Mall, Cubao, Quezon City
 - o Attendees: Sandra Lu, Datablitz Purchasing Head; Orpha Oambas, Datablitz Marketing and Events Manager
 - o Discussion Points:
 - § Discussion on NBA 2K13 Trade Programs, inclusive of all commercial terms.

§ Briefing on NBA 2K13 Marketing Program

- ***Lunch Meeting between Datablitz and X-Play Top Executives***

- o Date: September 28, 2012

- o Discussion Points:

- § In-depth Discussion on partnership Agreement and Concerns

- § Sealed partnership Agreement via a Handshake

- ***Meeting between X-Play Sales Team and Datablitz Operations and Purchasing Heads***

- o Date: September 28, 2012

- o Discussion Points

- § Discussion on actual orders to be placed by Datablitz

- § Operational discussion involving Purchase Order releasing, delivery timeframe, and collateral distribution.