

Facebook told Leader Technologies that the Ceglia-requested 2003-2004 Zuckerberg evidence was “lost” / then instructed Zuckerberg *not* to answer questions about 2003-2004.

See *Leader Technologies, Inc., v. Facebook, Inc.*, 08-cv-862-JJF-LPS (D. Del. 2008); See also Petition for Writ of Certiorari, [*Leader Technologies, Inc. v. Facebook, Inc.*](#), No. 12-617 (U.S. Supreme Court Nov. 16, 2102)

Abstract: *On or about June 4, 2010, Mark Zuckerberg’s attorney told Zuckerberg not to answer any questions about his activities at Harvard in 2003-2004. She also said the requested discovery from that period was “lost.”*¹

Right to Intervene

With Facebook’s refusal to provide and discovery or testimony about 2003-2004, Leader was blocked from the benefit of those facts in preparing its arguments and defenses. They proved that Facebook infringed their patent on 11 of 11 claims in any event.

However, in *U.S. v. Ceglia*, Facebook has already produced over 4,000 documents, including a Aug. 18, 2003 email discussing matters directly requested in *Leader v. Facebook*. On Mar. 30, 2015, the Ceglia judge just ordered Facebook to turn over much more information from this period as well.

Conclusion: At least the Aug. 18, 2003 email and 4,000 page produced already by the prosecutors is ample hard evidence that Facebook liked about relevant evidence obviously not lost. Indeed, according to *Ceglia v. Facebook* depositions, was in the custody of Facebook’s attorney, Gibson Dunn LLP.

Leader deserves the opportunity to intervene in the Ceglia case and obtain much more than the currently subpoenaed data, but the 28 hard drives and Harvard emails. Good cause has already been established by Facebook’s existing production.

¹ 2010-06-04-Doc-No-530-Leader-s-Counter-Statement-to-MSJ-4-re-Willfulness-Jun-4-2010.pdf

Feb. 20, 2009 – Leader’s First Set of Interrogatories to Facebook² asked for what Ceglia is asking for now.

2. The terms “you,” “your,” “Facebook,” and “Defendant” shall mean Defendant Facebook, Inc. (“Facebook”), its present and former directors, officers, employees, parent organization(s), subsidiary organization(s) including ConnectU, Inc., predecessors in interest, successors in interest, divisions, servants, agents, attorneys, consultants, partners, associates, investigators, representatives, accountants, financial advisors, distributors and any other person acting on its behalf, pursuant to its authority or subject to its control.

3. The term “Facebook Website” shall mean the Facebook services and network currently located at www.facebook.com and formerly located at www.thefacebook.com (including any directly associated current or former domains), and all functionalities, components, programs, and modules (both software and hardware) currently or formerly built, used, or made available by Facebook. “Facebook Website” includes, but is not limited to, all

4. The terms “person(s)” and “entit(y, ies)” shall mean, without limitation, any natural person, or association, firm, partnership, corporation or any other form of legal entity, unless the context indicates otherwise.

5. The term “third party” means any person or entity other than Leader or Facebook.

² 2009-02-20-Leader-First-Set-of-Interrogatories-to-Facebook-Doc-No-18-Leader-v-Facebook-08-cv-862-JJF-LPS-Feb-20-2009.pdf

PRE-ENGAGEMENT ATTORNEY-CLIENT PRIVILEGED
ANALYSIS, April 01, 2015

INTERROGATORY NO. 1:

Identify each component, module, and functionality incorporated in the Facebook Website, the date the component, module, and functionality was created, the date the component, module, and functionality was incorporated in the Facebook Website, the person or persons responsible for creating, developing, designing, programming and/or coding, in whole or in part, the component, module, and functionality and the factual details of the creation, development, design, programming and/or coding of the component, module, and functionality.

INTERROGATORY NO. 2:

For each component, module, and functionality identified in your response to Interrogatory No. 1, identify and describe in detail any launch or relaunch of any new or updated version of the identified component, module, and functionality including, but not limited to, the date the launch or relaunch of the new or updated version of the identified component, module,

INTERROGATORY NO. 10:

Describe in detail each type of product, activity, event or occurrence that generates revenue for Facebook, including but not limited to information relating to the first instances where such product, activity, event or occurrence generated revenue for Facebook.

INTERROGATORY NO. 12:

Identify all licenses between Facebook and any third party relating to any patents, proprietary technology or know-how owned by Facebook and identify revenue generated as a result of each license identified.

INTERROGATORY NO. 13:

Identify all licenses between Facebook and any third party relating to any patents, proprietary technology or know-how owned by the third party and incorporated into the Facebook Website or otherwise used by Facebook and identify all payments made by Facebook pursuant to such licenses.

PRE-ENGAGEMENT ATTORNEY-CLIENT PRIVILEGED
ANALYSIS, April 01, 2015

Topic	US Courts PACER Doc
First request for Zuckerberg's 2003-2004 information	http://www.fbcoverup.com/docs/discovery/2009-02-20-Leader-First-Set-of-Interrogatories-to-Facebook-Doc-No-18-Leader-v-Facebook-08-cv-862-JJF-LPS-Feb-20-2009.pdf
Facebook improperly refuses to provide responses	http://www.fbcoverup.com/docs/discovery/2009-04-30-Leader-v-Facebook-Doc-No-36-Motion-to-Compel-Facebook-to-Provide-Discovery-Apr-30-2009.pdf
Unable to resolve three discovery issues: (1) prior litigations, (2) technical docs, (3) inadequate admissions.	http://www.fbcoverup.com/docs/discovery/2009-07-09-Doc-No-65-Letter-to-The-Honorable-Leonard-P-Stark-from-Philip-A-Rovner-regarding-Discovery-Issues-Jul-09-2009.pdf
Throughout this case, Facebook has disregarded its discovery obligations	http://www.fbcoverup.com/docs/discovery/2009-07-10-Doc-No-68-Letter-to-Honorable-Leonard-P-Stark-from-Philip-A-Rovner-regarding-Discovery-Issues.pdf
ConnectU subpoena: all Zuckerberg documents between Aug.1, 2003 and May 31, 2004	http://www.fbcoverup.com/docs/discovery/2009-07-13-Doc-No-70-ConnectU-Subpoena-Leader-v-Facebook-08-cv-862-JJF-LPS-Jul-13-2009.pdf
Facebook's goal from the very beginning of this case has been to stymie the discovery process.	http://www.fbcoverup.com/docs/discovery/2009-08-18-Doc-No-91-Letter-to-THE-HONORABLE-LEONARD-P-STARK-from-PHILIP-A-ROVNER.pdf
Request for clarification of scheduling or so as not to give Facebook more opportunity for delay	http://www.fbcoverup.com/docs/discovery/2009-09-02-Doc-No-102-Letter-to-THE-HONORABLE-LEONARD-P-STARK-from-PHILIP-A-ROVNER-ESQ-regarding-DISCOVERY-DISPUTE--re-96-Order-Setting-Teleconference.pdf
Facebook has effectively denied any type of discovery to us	http://www.fbcoverup.com/docs/discovery/2009-10-23-Hearing-Transcript-Leader-v-Facebook-re-Willfulness-Discovery-Oct-23-2009.pdf
Facebook's failure to comply with the Court's Sep. 4, 2009 Order and discovery obligations. Leader has been seeking Facebook's document production for eight months. Since then, Leader has moved the Court three times to compel. Now with 30 days left until the close of discovery, Leader is forced to move the Court a fourth time for an order compelling production of all technical documents, marketing, financial and previous litigation documents	http://www.fbcoverup.com/docs/discovery/2009-10-28-Doc-No-139-Rovner-Letter-to-Stark-re-Discovery-dispute-Oct-28-2009.pdf
Facebook motions to strike before the close of discovery should be denied.	http://www.fbcoverup.com/docs/discovery/2009-11-18-Doc-No-167-REDACTED-VERSION-of-151-Letter-DATED-NOVEMBER-10-2009-FROM-PHILP-A-ROVNER.pdf
Request to compel Facebook to produce its change log document	http://www.fbcoverup.com/docs/discovery/2009-12-29-Doc-No-194-Rovner-Letter-re-Facebook-source-code-CHANGE-LOGS-Leader-v-Facebook-08-cv-862-JJF-LPS-Dec-29-2009.pdf
Facebook accusing Leader of destroying documents	http://www.fbcoverup.com/docs/discovery/2010-02-19-Doc-No-247-REDACTED-VERSION-of-235-Letter-To-the-Honorable-Leonard-P-Stark-from-Philip-A-Rovner.pdf

PRE-ENGAGEMENT ATTORNEY-CLIENT PRIVILEGED
ANALYSIS, April 01, 2015

Leader logs produced.	http://www.fbcoverup.com/docs/discovery/2010-02-25-Doc-No-261-REDACTED-VERSION-of-245-Letter-Dated-February-18-2010-from-Philip-A-Rovner.pdf
Wrangling over Zuckerberg's deposition	http://www.fbcoverup.com/docs/discovery/2010-04-14-Doc-No-336-REDACTED-VERSION-of-321-Letter-To-the-Honorable-Leonard-P-Stark-from-Philip-A-Rovner-Dated-April-7-2010.pdf
Zuckerberg: We didn't start with some grand theory but with a project hacked together in a couple of weeks... One good hacker can be as good as 10-20 engineers... Mr. Zuckerberg, did you hack into the Harvard servers to get the photographs of the students to use in Facemash ... Keefe instructed Zuckerberg not to answer. AT THIS TIME, KEEFE ALSO INFORMED ANDRE THAT ALL OF ZUCKERBERG'S 2003-2004 INFORMATION WAS LOST, stopping any further inquiry into the (now known 28 hard drives and Harvard emails)	http://www.fbcoverup.com/docs/discovery/2010-06-04-Doc-No-530-Leader-s-Counter-Statement-to-MSJ-4-re-Willfulness-Jun-4-2010.pdf
For the seventh time in this case, Facebook is asking this Court to delay the scheduled trial date. At some point, enough is enough, and Facebook should be precluded from bringing these frivolous motions.	http://www.fbcoverup.com/docs/discovery/2010-06-28-Doc-No-566-REDACTED-VERSION-of-547-Letter-PUBLIC-VERSION-OF-LETTER-TO-THE-HONORABLE-LEONARD-P-STARK-FROM-PHILIP-A-ROVNER-ESQ-REGARDING-OUTLINING-THE-DISCOVERY-ISSUES.pdf

Facebook has release 4000 documents from 2003-2004 in Ceglia. This judicially-recognizable evidence proves Zuckerberg/Facebook lied in *Leader v. Facebook*.

Since the have a history of lying about this evidence, court resources are conserved by not making Ceglia wait for the 28 hard drives and Harvard emails. Leader Technologies and Rembrandt should be permitted to review them as well, unsealed.