

Exhibit D

Plaintiff Leader Technologies, Inc.'s First Set of Requests for Production of Documents and Things to Defendant Facebook, Inc. (1-73), Feb. 20, 2009, *Leader Technologies, Inc. v. Facebook, Inc.*, CA-08-862-JJF (D. Del. 2008).

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LEADER TECHNOLOGIES, INC., a Delaware
corporation,

Plaintiff,

v.

FACEBOOK, INC., a Delaware
corporation,

Defendant.

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C.A. No. 08-862-JJF

**PLAINTIFF LEADER TECHNOLOGIES, INC.'S FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO
DEFENDANT FACEBOOK, INC. (1-73)**

Pursuant to Fed. R. Civ. P. 34 and D. Del. Local Rule 5.4, Plaintiff Leader Technologies, Inc. ("Plaintiff" or "Leader") hereby requests that Defendant Facebook, Inc. ("Defendant" or "Facebook") make available for inspection and copying the following documents and tangible things within 30 days of the service of these Requests at the offices of King & Spalding LLP, 333 Twin Dolphin Drive, Suite 400, Redwood Shores, CA 94065, in accordance with the following Definitions and Instructions. These Requests impose a continuing duty upon Defendant to promptly serve supplemental productions of documents and things in accordance with Fed. R. Civ. P. 26(e) and the Local Rules of the District of Delaware as Defendant becomes aware of, generates or acquires additional documents responsive to these Requests.

DEFINITIONS

1. The terms "Plaintiff" and "Leader" shall mean Plaintiff Leader Technologies, Inc., its present and former directors, officers, employees, parent organization(s), subsidiary organization(s), 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.

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 components and information necessary to currently or formerly build, use, and make available Facebook Marketplace, Facebook Flyers, Facebook Platform, Facebook Platform Applications (including, but not limited to Facebook Video, Facebook Notes, Facebook Mobile, Facebook Posted Items, Facebook Photos, Facebook Events, Facebook Gifts, Facebook Groups, Discussion Boards, Discography, Music Player, Translations, Wall, Reviews, Facebook Exporter for iPhoto and Facebook Toolbar for Firefox), Facebook Mobile Services, Facebook Connect, Facebook Pages, Share Service, Share Link, Facebook Ads, Facebook Beacon, Social Ads, and any other tools which facilitate Site Content or User Content. For purposes of clarification and not limitation, these terms shall have at least the same meaning as used in Facebook’s Privacy Policy located at www.facebook.com/policy.php (effective as of November 26, 2008), Terms of Use

located at www.facebook.com/terms.php (revised on September 23, 2008), and Product Overview FAQ located at www.facebook.com/press/faq.php (accessed on December 17, 2008).

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.

6. The term “Action” refers to Civil Action No. 08-862 filed in the United States District Court for the District of Delaware on November 19, 2008 styled Leader Technologies, Inc. v. Facebook, Inc.

7. The term “Leader Complaint” refers to the Complaint filed by Leader in the Action. (D.I. 1)

8. The term “Facebook Amended Answer” shall mean Facebook’s First Amended Answer to Complaint for Patent Infringement; Affirmative Defenses; and Counterclaims filed by Facebook in the Action. (D.I. 12)

9. The terms “‘761 Patent” and “Patent-in-Suit” shall mean United States Patent No. 7,139,761 entitled “Dynamic Association of Electronically Stored Information with Iterative Workflow Changes,” the application leading to this patent and any related patent application, including any WIPO, EPO or other foreign counterpart application or patents, any continuations, continuations in part, divisionals, reissues, reexaminations, extensions or parents thereof.

10. The term “document” shall mean all “writings” and “recordings” as those terms are defined in Fed. R. Civ. P. 34(a) and Fed. R. Evid. 1001 as well as any writing or recording of any type, whether written, printed, transcribed, recorded (mechanically or electronically) or reproduced by hand, including, but not limited to, all letters, correspondence, facsimiles, e-mail,

telegrams, transcriptions and records of telephone conversations, memoranda, notes, records, reports, statements, minutes, communications, slide presentations, microfilm, microfiche, tape recordings, videotapes, photographs, studies, policy manuals and statements, books, plans, analyses, computer records, runs, programs, software and any code(s) necessary to comprehend the same, test results, notebooks, diaries, agreements, contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, third party or joint development agreements, bills, statements and any other written, printed, typed, recorded or graphic matter, however produced or recorded, including copies and drafts of same, and any handwritten or typewritten notes of any kind thereon or attached thereto. The term “document” shall also include all technical documents, defined as source code, specifications, schematics, flow charts, artwork, drawing, pictures, pictorial representations, formulas, troubleshooting guides, service bulletins, technical bulletins, production specification sheets, white papers, operator manuals, operation manuals, instruction manuals and all other documents sufficient to show the operation of any aspects or elements of your products which includes all past and present releases, revisions, versions and upgrades.

11. The term “communication” shall mean every manner or method of disclosure, transfer or exchange of information, whether orally or by document, and whether face to face, by telephone, mail, e-mail, facsimile, personal delivery or through another medium, including, but not limited to, discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes, statements or questions.

12. The term “transcript” shall mean any written, audio, and/or video recording.

13. The terms “concerning” and “concern” mean constituting, relating to, mentioning, discussing, evidencing, involving, depicting, describing, listing, consisting of, forming the basis

of, commenting on, supporting, analyzing, forwarding, demonstrating, referring to, connected with, relying upon or in any way related to the indicated person, entity, event, document or product.

14. The terms “relating to,” “relate to,” “refer to” and “referring to” mean referring to, alluding to, responding to, concerning, connected with, commenting on, in respect of, about, regarding, discussing, showing, identifying, describing, mentioning, reflecting, analyzing, comprising, constituting, evidencing, supporting, refuting, contradicting, memorializing, pertaining to, bearing upon or illuminating the subject matter into which inquiry is made.

15. The words “and” and “or” shall be construed conjunctively or disjunctively in a manner making the request inclusive rather than exclusive.

16. The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

17. The term “all” shall mean “any and all” and the term “any” shall mean “any and all.”

INSTRUCTIONS

1. Each request contained herein extends to any document in your possession, custody or control. A document is deemed to be in your possession, custody or control if it is in your physical custody or the physical custody of any subsidiary, the physical custody of any of your attorneys or representatives or the physical custody of any other person or entity if you or your representatives (a) own such document in whole or in part; (b) have a right by contract, statute or otherwise to use, inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you or your representatives may use, inspect, examine or

copy such document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you or your representatives sought to do so.

2. If you object to any document requested herein on the grounds that the requested document or thing is privileged in whole or in part, you shall identify the nature of the privilege (including work product) which is being claimed and set forth the following information as to the document or thing: (1) the type of document or thing, e.g. letter or memorandum; (2) the date of the document; (3) the location of the document or thing; (4) the general subject matter of the document; (5) the author(s) of the document; (6) each person to whom the document was addressed; (7) each person who received copies of the document or were otherwise advised of its contents; and (8) where not apparent, the relationship of the author and recipients to each other.

3. In responding to these requests, identify documents you will produce for inspection and copying in accordance with Fed. R. Civ. P. 34(b).

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST FOR PRODUCTION NO. 1:

All documents and communications that relate to the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 2:

All documents and communications that relate to your knowledge of the Patent-in-Suit including documents and communications that relate to when and how you first became aware of the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 3:

All documents and communications that relate to any meeting that you hosted or attended during which the Patent-in-Suit was referred to or discussed.

REQUEST FOR PRODUCTION NO. 4:

All documents and communications that relate to any alleged non-infringing alternatives to the claims of the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 5:

All documents and communications that relate to any efforts made by you or contemplated by you to avoid infringement of the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 6:

All documents and communications that are or relate to any opinions or analyses, written or oral, regarding the scope, infringement, alleged non-infringement, validity, alleged invalidity, enforceability and/or alleged unenforceability of the Patent-in-Suit, including, but not limited to, all opinions of counsel, draft opinions and other documents relied upon by individuals or entities in forming such opinions or analyses.

REQUEST FOR PRODUCTION NO. 7:

All documents and communications that relate to the scope of the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 8:

All documents and communications that relate to the infringement or any alleged non-infringement of the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 9:

All documents and communications that relate to the validity or alleged invalidity of the Patent-in-Suit, including, but not limited to, searches or studies of the Patent-in-Suit, including, but not limited to any copies of patents, publications or other art, and any analyses or legal opinions made by you or on your behalf regarding the validity or alleged invalidity of the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 10:

All documents that you have identified as prior art or potential prior art to the Patent-in-Suit and all documents that relate to such potential prior art.

REQUEST FOR PRODUCTION NO. 11:

All documents and communications relating to any prior art searches or investigations conducted by you or on your behalf concerning the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 12:

All documents and communications relating to any potential prior art received from any third party regarding the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 13:

All documents and communications that relate to your reliance or contemplated reliance on the advice of counsel as a defense to Leader's claim that you willfully infringed and continue to willfully infringe the Patent-in-Suit.

REQUEST FOR PRODUCTION NO. 14:

All documents and communications that relate to Leader or any employee, representative, officer or director of Leader.

REQUEST FOR PRODUCTION NO. 15:

All documents and communications that relate to any Leader product or component thereof.

REQUEST FOR PRODUCTION NO. 16:

All documents and communications that are or relate to any communications between you and Leader.

REQUEST FOR PRODUCTION NO. 17:

All documents and communications that are or relate to any communications between you and any other person relating to Leader.

REQUEST FOR PRODUCTION NO. 18:

For each and every litigation, arbitration, mediation or administrative proceeding involving you and the technology of the Facebook Website, all documents filed with the decision-maker, depositions, correspondence, expert reports, discovery, settlements and all other documents relating to the litigation, arbitration, mediation or administrative proceeding, including, but not limited to, all documents produced by any party involved in the litigation, arbitration, mediation or administrative proceeding, and any third party documents produced pursuant to a subpoena during the course of the litigation, arbitration, mediation or administrative proceeding.

REQUEST FOR PRODUCTION NO. 19:

All documents that reflect any fact relating to settlement or discussion of settlement between you and any other person or entity of any legal claim or threatened legal claim of infringement of any patent by the Facebook Website.

REQUEST FOR PRODUCTION NO. 20:

All documents that reflect any fact relating to settlement or discussion of settlement between you and any other person or entity of any legal claim involving the technology of the Facebook Website.

REQUEST FOR PRODUCTION NO. 21:

All documents and communications that relate to your corporate structure.

REQUEST FOR PRODUCTION NO. 22:

All documents that depict the organization and key employees of your company.

REQUEST FOR PRODUCTION NO. 23:

All documents and communications relating to the initial idea for the Facebook Website.

REQUEST FOR PRODUCTION NO. 24:

All documents and communications relating to your ownership of any patent or pending patent application for any technology incorporated in the Facebook Website.

REQUEST FOR PRODUCTION NO. 25:

All documents and communications relating to any assertions, representations or warranties made by you of your ownership of proprietary technology and information incorporated in or used in association with the Facebook Website, including, but not limited to, patents, copyrights, or applications therefore.

REQUEST FOR PRODUCTION NO. 26:

All documents, things and communications that relate to the research, design, implementation, development, engineering, programming, structure, performance and operation of the Facebook Website or any technology incorporated therein, including, but not limited to, manuals, specifications, presentations, schematics, flow charts, artwork, drawings, pictures, pictorial representations, formulas, troubleshooting guides, service bulletins, technical bulletins, production specification sheets, white papers, operator manuals, operation manuals, instruction manuals and all other documents, things and communications sufficient to show the operation of any aspects or elements of the Facebook Website which includes all past and present releases, revisions, versions, updates and upgrades.

REQUEST FOR PRODUCTION NO. 27:

All documents and communications that relate to the source code for the Facebook Website and a copy of all source code for the Facebook Website, including, but not limited to, all past and present releases, revisions, versions, updates and upgrades.

REQUEST FOR PRODUCTION NO. 28:

All documents and communications that relate to teaching an end-user how to use the Facebook Website.

REQUEST FOR PRODUCTION NO. 29:

All documents and communications that relate to teaching an advertiser how to use the Facebook Website.

REQUEST FOR PRODUCTION NO. 30:

All things, drawings, sketches, descriptions, write-ups, disclosures, transcripts and other documents that describe the Facebook Website or any technology incorporated therein.

REQUEST FOR PRODUCTION NO. 31:

All documents and communications relating to applications, programs, features, components, functionalities or modules incorporated or considered for incorporation in the Facebook Website.

REQUEST FOR PRODUCTION NO. 32:

All documents and communications that relate to Microsoft, Inc., including, but not limited to, documents relating to any negotiations between you and Microsoft, Inc. and any documents exchanged between you and Microsoft.

REQUEST FOR PRODUCTION NO. 33:

All documents and communications that relate to the promotion and marketing of the Facebook Website to potential and current end-users, including, but not limited to, advertisements and marketing materials.

REQUEST FOR PRODUCTION NO. 34:

All documents and communications that relate to the promotion and marketing of the Facebook Website to potential and current advertisers, including, but not limited to, promotional and marketing materials.

REQUEST FOR PRODUCTION NO. 35:

All documents and communications relating to Facebook Beacon.

REQUEST FOR PRODUCTION NO. 36:

All documents and communications relating to Facebook Ads.

REQUEST FOR PRODUCTION NO. 37:

All documents and communications that are or relate to business or marketing plans relating to the Facebook Website, including, but not limited to, all documents that discuss or analyze your projected sales, profits, revenues, costs, expenses, market share or prices.

REQUEST FOR PRODUCTION NO. 38:

All documents and communications relating to the commercial success of the Facebook Website, including, but not limited to, newspaper, television, magazine and market research materials discussing the Facebook Website.

REQUEST FOR PRODUCTION NO. 39:

All documents and communications that are or relate to third-party market research reports addressing the markets in which the Facebook Website competes.

REQUEST FOR PRODUCTION NO. 40:

All documents and communications maintained on any database, log, spreadsheet or sales tool used to track the sale of advertising for the Facebook Website including, but not limited to, sales information maintained on Salesforce.com or any other internal or external sales tracking resource, database, log or spreadsheet.

REQUEST FOR PRODUCTION NO. 41:

All documents and communications relating to your current, former, perceived or potential competitors.

REQUEST FOR PRODUCTION NO. 42:

All documents and communications relating to any products or services that currently, formerly or potentially compete with the Facebook Website.

REQUEST FOR PRODUCTION NO. 43:

All documents and communications relating to public relations or strategic planning in connection with the Facebook Website.

REQUEST FOR PRODUCTION NO. 44:

All documents you have filed with the SEC.

REQUEST FOR PRODUCTION NO. 45:

All documents and things relating to any valuation, appraisal or estimate of value of you, any of your subparts, the Facebook Website or any proprietary information owned by you, including, but not limited to, any valuation prepared in connection with any investment in you by any third party.

REQUEST FOR PRODUCTION NO. 46:

Your financial statements, including, but not limited to, balance sheets, income statements, statements of cash flows and statements of retained earnings for each year in which you operated the Facebook Website, including, but not limited to, internally created statements and statements created by third-parties.

REQUEST FOR PRODUCTION NO. 47:

Summary reports, including, but not limited to, monthly, quarterly and/or yearly reports, of gross and net revenues and gross and net profits generated from your operation of the Facebook Website.

REQUEST FOR PRODUCTION NO. 48:

Summary reports, including, but not limited to, monthly, quarterly and/or yearly reports of costs and expenses associated with your operation of the Facebook Website, including, but not limited to, all reports containing a breakdown of such costs and/or expenses by type of cost or expense such as marketing, research and development, general and administrative, capital expenses, debt expenses, or any other category by which you identify costs and/or expenses associated with your operation of the Facebook Website.

REQUEST FOR PRODUCTION NO. 49:

For each year that you operated the Facebook Website, documents and communications sufficient to determine the gross and net revenues and gross and net profits on an annual or other periodic basis derived from your operation of the Facebook Website, including, but not limited to, balance sheets, income statements, cash flow statements, statements of retained earnings, cost statements, projection statements, advertising revenue statements, income from incentives statements or expense statements.

REQUEST FOR PRODUCTION NO. 50:

For each year that you operated the Facebook Website, documents and communications sufficient to determine on an annual or other periodic basis all costs incurred by you relating to the Facebook Website.

REQUEST FOR PRODUCTION NO. 51:

For each year that you operated the Facebook Website, documents and communications sufficient to determine on an annual or other periodic basis all expenses incurred by you relating to the Facebook Website, including, but not limited to, advertising expenses, marketing expenses, research and development expenses, general expenses, administrative expenses, debt and credit expenses, tax expenses, extraordinary expenses, legal expenses and professional expenses.

REQUEST FOR PRODUCTION NO. 52:

All documents and communications that relate to prices charged for advertising on the Facebook Website, including, but not limited to documents relating to your discussions and decisions regarding the prices charged for advertising on the Facebook Website.

REQUEST FOR PRODUCTION NO. 53:

All documents and communications that relate to your revenue model.

REQUEST FOR PRODUCTION NO. 54:

All documents and communications that reflect any fact relating to any assignments, licenses or other agreements to which you are or were a party relating to any patent, patent application, trade secret, know how or otherwise protected technology owned by a third-party and incorporated in the Facebook Website, including all documents reflecting or relating to any negotiations.

REQUEST FOR PRODUCTION NO. 55:

All documents and communications that reflect any fact relating to any assignments, licenses, or other agreements, including negotiations, to which you are or were a party relating to any patent, patent application, trade secret, know how or otherwise protected technology owned by you and incorporated in the Facebook Website.

REQUEST FOR PRODUCTION NO. 56:

All documents and communications sufficient to determine the royalties or other consideration paid or money received under any licenses, assignments, grants (private or public), marketing or co-branding agreements or other agreements entered into by you involving any patented technology or otherwise protected technology or know how incorporated in the Facebook Website.

REQUEST FOR PRODUCTION NO. 57:

All documents and communications sufficient to determine the royalties or other consideration paid or money received under any licenses, grants (private or public), marketing or co-branding agreements, or other agreements entered into by you involving potential technology or otherwise protected technology or know how incorporated in the Facebook Website that is incorporated in any third-party product.

REQUEST FOR PRODUCTION NO. 58:

All documents and communications that relate to any planned, contemplated, proposed or requested licensing of technology incorporated into the Facebook Website.

REQUEST FOR PRODUCTION NO. 59:

All documents and communications that relate to any planned, contemplated, proposed or requested licensing of technology owned by a third party to be incorporated into the Facebook Website.

REQUEST FOR PRODUCTION NO. 60:

All documents and communications relating to third party developers working in connection with the Facebook Website.

REQUEST FOR PRODUCTION NO. 61:

All documents and communications that relate to the third party Facebook Platform application developer community.

REQUEST FOR PRODUCTION NO. 62:

All documents and communications relating to your current, former, prospective or potential strategic partners, including, but not limited to, documents and communications relating to any discussions, negotiations or presentations and all documents and information exchanged between you and your current, former, prospective or potential strategic partners.

REQUEST FOR PRODUCTION NO. 63:

All documents and communications relating to the sale of your stock, including any arrangements or restrictions you place on current or former employees sale of stock and any assigned valuations associated with the sale of your stock.

REQUEST FOR PRODUCTION NO. 64:

All documents and communications that support, contradict or otherwise relate to the First Affirmative Defense pled in the Facebook Amended Answer that “Facebook is not

infringing and has not infringed any claim of the '761 Patent, either literally or under the doctrine of equivalents."

REQUEST FOR PRODUCTION NO. 65:

All documents and communications that support, contradict or otherwise relate to the Second Affirmative Defense pled in the Facebook Amended Answer that "each claim of the '761 Patent is invalid for failure to meet one or more of the contentions of patentability specified in 35 U.S.C. §§ 101-103 and/or 112."

REQUEST FOR PRODUCTION NO. 66:

All documents and communications that support, contradict or otherwise relate to the Fourth Affirmative Defense pled in the Facebook Amended Answer that Leader's "claims are barred by the doctrine of laches."

REQUEST FOR PRODUCTION NO. 67:

All documents and communications that support, contradict or otherwise relate to the Fifth Affirmative Defense pled in the Facebook Amended Answer that "plaintiff has suffered neither harm nor irreparable harm from Facebook's actions."

REQUEST FOR PRODUCTION NO. 68:

All documents and communications that support, contradict or otherwise relate to the Sixth Affirmative Defense pled in the Facebook Amended Answer that "prosecution history estoppel and/or prosecution disclaimer precludes any finding of infringement."

REQUEST FOR PRODUCTION NO. 69:

All documents and communications that support, contradict or otherwise relate to the Seventh Affirmative Defense pled in the Facebook Amended Answer that "Plaintiff's pre-

lawsuit claims for damages are barred, in whole or in part, for failure to comply with 35 U.S.C. § 287.”

REQUEST FOR PRODUCTION NO. 70:

All documents and communications that relate to your policies or practices concerning the retention or destruction of hard copy and electronic documents and hard copy and electronic versions of source code.

REQUEST FOR PRODUCTION NO. 71:

All documents and communications sufficient to identify all individuals that assisted in the identification, retrieval, collection, review and production of documents pursuant to these Requests.

REQUEST FOR PRODUCTION NO. 72:

All documents and communications that you consulted in preparing your response to any interrogatory served in this Action.

REQUEST FOR PRODUCTION NO. 73:

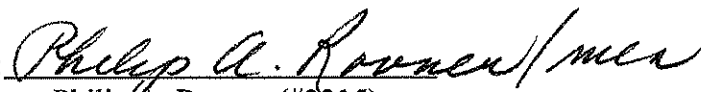
All documents and communications that you intend to use or rely upon at trial.

POTTER ANDERSON & CORROON LLP

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Dated: February 20, 2009
904146

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*Attorneys for Plaintiff
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

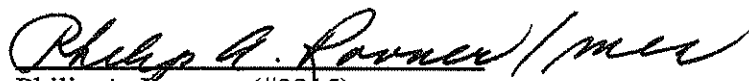
I, Philip A. Rovner, hereby certify that on February 20, 2009, true and correct copies of the within document were served on the following counsel of record, at the addresses and in the manner indicated:

BY HAND DELIVERY AND E-MAIL

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