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BY HAND & ELECTRONIC FILING

The Hon. Leonard P. Stark
J. Caleb Boggs Federal Building
U.S. District Court for the District of Delaware
844 N. King Street, Unit 26, Room 6100
Wilmington, DE 19801-3556

Re: Leader Technologies, Inc. v. Facebook, Inc., C.A. No. 08-862-JJF

Dear Judge Stark:

Facebook believes that a brief response can clear up many of LTI's issues by reiterating the offers that we have made and that have been refused.

First, Facebook has already offered to produce a hierarchical map of its source code¹ by proffering up a full, hierarchically organized list of all its source code files. LTI refused this offer, yet now insists this list be provided as part of its all-or-nothing demands. Facebook, of course, renews its offer to provide this list, from which LTI is welcomed to reasonably select specific source code files to review.

Second, LTI's specious argument that it requires Facebook's entire source code – and every piece of technical documentation describing that code – in order to understand any single part of the code is a well-worn boot-strapping argument. Judge Farnan has already heard this argument from LTI, and rejected it. Instead, understanding Facebook's need to protect its most valuable asset, Judge Farnan ordered a measured discovery process designed to provide LTI with a *reasonable* amount of Facebook's source code in order to facilitate production of detailed infringement contentions. Facebook has fully adhered to Judge Farnan's order and has attempted to cooperate with LTI in the process, but has been met with little besides accusations and

¹ LTI's accusations that Facebook initially provided an incomplete module list and that Facebook has misrepresented the size of its source code are entirely without foundation. The code, and all of its iterations since its inception, is massive. LTI's assertion that the size can be inferred from its selections is unsupported and untrue, and Facebook's counsel pointed that out. Furthermore, the size of Facebook's source code is immaterial: Judge Farnan denied LTI's demand for Facebook's entire source code because of its value to Facebook, not its size.



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resistance. Facebook requests that the Court require LTI to adhere to the process Judge Farnan ordered, and to produce some reasonable amendment of its infringement contentions before demanding the entire universe of Facebook's code and technical documentation.

Finally, LTI's renewed request for materials from unrelated litigations is a surprise to Facebook: LTI failed to raise the issue in either of the parties' previous two meet-and-confers. Furthermore, the issue remains unripe because the relevance of any further discovery requests depends entirely upon whether LTI's infringement contentions reveal a need for such information.

Again, Facebook would be happy to provide the specific source code files requested after the parties meet-and-confer on July 21, as well as the hierarchical list of all Facebook's source code files in order to facilitate LTI's production of reasonably detailed infringement contentions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven L. Caponi", is written over the typed name below.

Steven L. Caponi
I.D. No. 3484

SLC:pfc

cc: Philip A. Rovner, Esquire – via e-service
Paul J. Andre, Esquire – via e-service
Lisa Kobialka, Esquire – via e-service