

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

LEADER TECHNOLOGIES, INC., a Delaware corporation,))
)	CIVIL ACTION
Plaintiff and Counterdefendant,)	
)	No. 1:08-cv-00862-JJF
v.)	
)	
FACEBOOK, INC., a Delaware corporation,)	
)	
Defendant and Counterclaimant.)	
)

**DECLARATION OF JEFFREY NORBERG IN SUPPORT OF DEFENDANT
FACEBOOK, INC.'S MOTION FOR LEAVE TO AMEND ITS RESPONSIVE
PLEADING TO ADD A COUNTERCLAIM OF FALSE MARKING**

I, Jeffrey Norberg, declare:

1. I am an attorney with Cooley Godward Kronish LLP, of counsel in this action for defendant Facebook, Inc. I make this declaration in support of Facebook's Motion for Leave to Amend its Responsive Pleading to Add a Counterclaim of False Marking. I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matters contained herein.

2. Facebook made a reasonable effort to reach agreement with Leader Technologies, Inc. ("LTI") on the matters set forth in this motion. The parties met-and-conferred regarding Facebook's desire to amend its First Amended Answer, Affirmative Defenses, and Counterclaim to add a counterclaim of false marking. In that meet-and-confer, the parties were unable to reach an agreement sufficient to obviate Facebook's need to seek leave to amend from the Court.

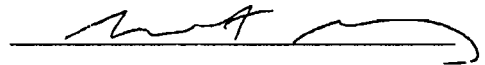
3. Attached hereto as Exhibit 1 is a true and correct copy of the Transcript of the

September 4, 2009 Telephone Conference before Judge Stark.

4. Attached hereto as Exhibit 2 is a true and correct copy of Leader Technologies, Inc.'s Responses to Facebook, Inc.'s Fourth Set of Interrogatories (Nos. 12-18).

5. Attached hereto as Exhibit 3 is a true and correct copy of Leader Technologies, Inc.'s Responses to Facebook, Inc.'s Second Set of Requests for Production of Documents to Leader Technologies, Inc. (49-80).

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 21, 2009 in Palo Alto, California.

A handwritten signature in black ink, appearing to read "Jeffrey Norberg", is written over a horizontal line.

Jeffrey Norberg

EXHIBIT 1

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES,)	
INC., a Delaware)	
corporation,)	
)	
PLAINTIFF,)	
)	
v.)	C.A. No. 08-862 JJF
)	
FACEBOOK, INC., a)	
Delaware corporation,)	
)	
DEFENDANT.)	

Friday, September 4, 2009
11:00 a.m.
Telephone Conference
Chambers of Judge Stark

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE LEONARD P. STARK,
United States District Court Magistrate

APPEARANCES:

POTTER ANDERSON & CORROON, LLP
BY: PHILIP ROVNER, ESQ.

KING & SPALDING LLP
BY: PAUL ANDRE, ESQ.
BY: LISA KOBIALKA, ESQ.
BY: JAMES HANNAH, ESQ.

Counsel for Plaintiff

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(APPEARANCES CONTINUED)

BLANK & ROME, LLP
BY: STEVEN L. CAPONI, ESQ.

COOLEY, GODWARD & KRONISH, LLP
BY: HEIDI L. KEEFE, ESQ.
BY: MARK WEINSTEIN, ESQ.

Counsel for Defendant

1 THE COURT: Good morning,
2 everyone. This is Judge Stark. Who is on the
3 line, please?

4 MR. ROVNER: Good morning, Your
5 Honor. This is Phil Rovner from Potter
6 Anderson. With me on the line from King and
7 Spaulding are Paul Andre, Lisa Kobialka, and
8 James Hannah.

9 MR. CAPONI: Good morning, Your
10 Honor. Steven Caponi from Blank Rome for
11 Facebook. Also with me today: Heidi Keefe and
12 Mark Weinstein from Cooley Godward.

13 THE COURT: Okay. Good morning to
14 all of you. I have a court reporter with me, of
15 course, and for the record, this is our case of
16 Leader Technologies, Inc., versus Facebook, Inc.
17 It is civil action number 08-862-JJF-LPS.

18 And we're here today because there
19 are two new discovery disputes, one from each
20 party, and I have reviewed your letters and have
21 -- really only need to hear a tiny bit more, I
22 think, before I'll be in a position to resolve
23 those two new disputes, and let's turn first to
24 Leader's concern about the scheduling order and

1 the issue as to when fact depositions can begin.

2 And here I want to first hear from
3 Facebook, and I want to understand Facebook's
4 position as to when exactly you think fact
5 discovery ends in this case and whether or not I
6 should make that clear when that is. Let me
7 hear from Facebook in response to that question,
8 please.

9 MR. CAPONI: Your Honor, Steven
10 Caponi.

11 We think the scheduling order put
12 in place by Judge Farnan is unambiguous.
13 November 20th, I believe, is the date that fact
14 discovery ends, to where depositions can
15 proceed.

16 THE COURT: So when can fact
17 depositions begin, and when do they have to end
18 by?

19 MR. CAPONI: Sorry, Your Honor. I
20 think I spoke a little too generally.

21 I think written discovery should
22 be interrogatories, document requests, exchange
23 of documents, review of documents -- would end
24 by November 20th and then following that,

1 deposition discovery of both fact and experts.
2 Fact would proceed and then experts pursuant to
3 the schedule for experts.

4 THE COURT: So when do you think
5 fact depositions need to be completed by?

6 MR. CAPONI: Your Honor, we did
7 not have a specific date in mind for when they
8 need to be completed by. It's just a cut-off
9 for when they need to end.

10 THE COURT: Any reason why I
11 should not go ahead and amend the scheduling
12 order to indicate a date to end fact
13 depositions?

14 MR. CAPONI: Your Honor, I don't
15 think there's any reason not to do that. I
16 guess my preference would be, since it's an
17 issue that's being raised for the first time,
18 the parties may want to confer to see if we can
19 agree on a date to end all fact discovery.
20 Parties never discussed the issue.

21 THE COURT: All right.

22 Leader. Whoever wants to speak
23 for Leader, do you want to respond on that
24 issue, please.

1 MR. ANDRE: Your Honor, this is
2 Paul Andre. I'll respond to that.

3 This has been raised several
4 times. We didn't want to bring this issue to
5 Your Honor's attention because we just wanted to
6 know what their position on this was, and they
7 would not give it to us.

8 Our position was -- our concern
9 was that they were going to do the bait and
10 switch and then on November 21st say, "Fact
11 discovery has ended. You have no right to take
12 depositions."

13 We think it would be a good idea
14 to put in a fact-depositions date, when those
15 have to be completed, and we'd be amenable to
16 any time early into 2010.

17 THE COURT: Okay.

18 MR. ANDRE: If we get that coming
19 from Facebook, I think we could work this out.
20 When we had our meet-and-confers, a couple of
21 them, they would not agree to that.

22 THE COURT: But Leader's belief is
23 if fact depositions were done by, say, the end
24 of January 2010, that could keep the case on

1 track to ultimately have trial in June 2010; is
2 that correct?

3 MR. ANDRE: Absolutely, Your
4 Honor.

5 THE COURT: Mr. Caponi, do you
6 have any disagreement with that, that a
7 fact-depositions cut off of January 31st, 2010,
8 would allow this case to stay on track for trial
9 in June 2010?

10 MR. CAPONI: Appreciating my
11 limitations, Your Honor, I will defer to
12 Ms. Keefe on that, who will be taking the
13 depositions.

14 THE COURT: Okay. Go ahead,
15 Ms. Keefe.

16 MS. KEEFE: Good morning, Your
17 Honor.

18 The only worry I have about
19 January is we're talking about a compressed time
20 frame with holidays, including potential
21 third-party depositions, and so from
22 November 20th until just the end of January,
23 we've got Thanksgiving, Christmas, New Year's
24 holiday.

1 So I would ask that we set it for
2 March because that accommodates the possibility
3 of third parties not being able to get things
4 done.

5 THE COURT: All right.

6 Mr. Andre, any objection to
7 March 1st.

8 MR. ANDRE: Your Honor, I don't
9 have an objection for fact depositions going up
10 to the day before trial. That's okay with me as
11 long as we don't miss the trial date.

12 One thing we talked about with
13 Facebook as well is regarding third parties --
14 the idea here is that Judge Farnan wanted all
15 the written discovery between the parties to be
16 completed and then fact depositions go
17 thereafter.

18 But with third parties, we could
19 begin taking third-party depositions tomorrow.
20 If we don't get documents from them, if we
21 subpoena documents, we can take the depositions.
22 There's nothing that would preclude us from
23 finishing up the third-party depositions in
24 2009.

1 MR. CAPONI: Your Honor, Steve
2 Caponi.

3 I don't think we would agree with
4 Mr. Andre's characterization of the scheduling.
5 I think it's been pretty clear, as with Judge
6 Farnan's practice developed over many years,
7 that you have many wasteful depositions and
8 retaking depositions when parties jump the gun a
9 little early; therefore, you close exchange of
10 paper discovery. We have a set record with
11 which to move forward on depositions, third
12 party and party.

13 THE COURT: I'm not going to get
14 into an issue that's not actually in front of me
15 right now, but with respect -- which is the
16 third-party depositions issue -- I'm going to
17 hope that the parties can work that out by
18 taking a look at the language of the scheduling
19 order.

20 But what I am going to rule with
21 respect to the -- let's call it -- Leader's
22 request to modify the scheduling order, I am
23 going to modify it, and I will get something out
24 in writing to you. But just so you know, I'm

1 not going to be modifying Paragraph 4(d), which
2 is the one that refers to depositions beginning
3 after paper fact discovery is done. But I am
4 going to add to the scheduling order that all
5 fact depositions are to be completed in this
6 case by March 1st, 2010.

7 Let's move next to Facebook's
8 request that the Court compel a further response
9 to Interrogatory Number 9, and I want to start
10 on this one, again, with Facebook.

11 And first, I'd like to know where
12 in the record I can find the evidence that you
13 adequately met and conferred with respect to the
14 extent of the relief being requested now from
15 the Court, is that the patentee, Leader here,
16 provide the claim charts showing in detail where
17 they practice -- where their products practice
18 their claims.

19 Whoever is going to take this for
20 Facebook, please start there.

21 MR. WEINSTEIN: Thank you, Your
22 Honor. This is Mark Weinstein.

23 I'm going to refer to a couple
24 exhibits and a couple different letter briefs

1 because they raise the meet-and-confer issue in
2 their responsive letter brief, to which we
3 didn't have an opportunity to respond, but there
4 is ample evidence in the record and some of the
5 letter briefs.

6 The first letter brief would be
7 attached as Exhibit E to Leader's August 27th
8 letter to Your Honor. It's a letter to Lisa
9 Kobialka following a meet-and-confer discussion.

10 On page three of the letter --
11 this is following up on a telephonic meet and
12 confer -- here is the following statement. This
13 is memorializing a telephonic meet and confer
14 that took place the day before:

15 "You said LTI was going to
16 identify LTI products that allegedly
17 embody the invention, but were unwilling
18 to provide claim charts."

19 The letter goes on to describe the
20 reasons why the claim chart is relevant, and
21 essentially, it is a mirror of the arguments
22 that are before Your Honor today.

23 There was a second meet-and-confer
24 conference conducted with a different lawyer at

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1 the King and Spalding firm, Megan Wharton, and
2 that's memorialized in Exhibit C to Leader's
3 letter of September 3rd to Your Honor. That's
4 an e-mail to Megan Wharton, and if you look at
5 paragraph four, a second meet and confer, their
6 position was the same:

7 "LTI is willing to identify the
8 LTI products it contends practice the
9 claimed invention in response to
10 Facebook (inaudible), and it will
11 explain how those products allegedly
12 embody the invention. However, it will
13 not provide claim charts."

14 So there are two instances in
15 which telephonic meet and confers reached an
16 impasse.

17 Beyond that, Your Honor, in August
18 we asked them on two separate occasions to
19 supplement their response to the interrogatory,
20 and their response in both cases was that their
21 response is complete and no further
22 supplementation was required.

23 I think, Your Honor, that another
24 piece of evidence is borne out by the record,

1 which is that parties are certainly at an
2 impasse with respect to Interrogatory Number
3 nine. If you look carefully at your letter, you
4 don't see them arguing that they're going to
5 supplement their response or that they are going
6 to waver in any way to the position that they've
7 taken at least two or three times previously.

8 I guess last point, Your Honor, is
9 the day before they filed their letter brief,
10 they had -- one of their lawyers had sent me a
11 letter saying, "We don't think you've met and
12 conferred."

13 I responded about an hour later
14 this week and said, "We think we have."

15 We attached the relevant
16 correspondence, and we heard nothing further
17 from them until we got their letter brief to
18 Your Honor dated yesterday.

19 So as far as we're concerned, Your
20 Honor, the meet-and-confer obligations are more
21 than satisfied, the parties are clearly at an
22 impasse, and this matter is clearly ripe for
23 adjudication by Your Honor.

24 THE COURT: Let's assume for a

1 moment that I agree with you on that point.

2 Explain to me what the possible
3 relevance would be of the question of whether
4 Leader practices through its products or
5 services any of the claims of its patent that
6 are not asserted in this case.

7 MR. WEINSTEIN: Your Honor, as to
8 claims that are not asserted, we would agree not
9 to pursue a response as to those claims. We
10 would pursue a request as the claims that are
11 asserted. We have no objection to an order
12 compelling them only to address the asserted
13 claims.

14 THE COURT: All right.

15 And then help me out on what is
16 the basis, and is there any authority -- because
17 I haven't seen any in your letters -- for
18 requiring a patentee to do detailed claim charts
19 showing how that patentee believes its own
20 products and services practice the patent at
21 suit?

22 Assume for the moment I agree with
23 you that there is relevance to whether or not
24 the patentee practices the patent. I need help

1 on what authority there is for imposing on the
2 patentee the burden of doing a detailed claim
3 chart.

4 MR. WEINSTEIN: I think the simple
5 answer to that, Your Honor, is that in the vast
6 majority of patent cases, this issue comes up
7 repeatedly because patentees, as we explained in
8 our letter, they have the possibility of
9 enjoying additional benefits, possibly
10 additional remedies, if they practice the claims
11 of their own patents.

12 The issue typically comes up where
13 the plaintiff states the products that practice
14 the invention, and in almost every case I've had
15 -- in fact every case I've had before this one
16 -- it really is not a disputed issue of fact.

17 The patent is relatively
18 straightforward, and the manner in which the
19 patent -- it covers the products is not really
20 in dispute because after all, the plaintiff
21 presumably wrote its own patent to cover its own
22 products.

23 This is an unusual case, Your
24 Honor, because there is a factual dispute here

1 as to whether or not the patent, in fact, covers
2 their products. It is our contention that the
3 patent is exceedingly narrow in its scope. We
4 think, obviously, it doesn't cover Facebook's
5 products. We also don't think it covers
6 Leader's products either, and that's going to be
7 a contested, factual issue we're going to bring
8 to the Court.

9 We're entitled to know -- if they
10 claim it's practicing it, we're entitled to know
11 what their explanation is so we can have our
12 experts and witnesses rebut their theory and
13 prove, in fact, that their patent is not
14 practiced by their products, and, therefore,
15 they're not entitled to those legal benefits.

16 I think their main argument, Your
17 Honor, relates to the question of overbreadth.
18 They claim it's overly broad to do that. I
19 think the short answer to that concern, which is
20 the majority of their letter, is that all of the
21 information needed to respond to this is in
22 their possession. This is their own product,
23 their own patent. It's not like they need
24 discovery from a third party.

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1 And second of all, Your Honor,
2 they're out there in the market telling people
3 that their Digital Leaderboard technology is
4 covered by their patent. If you go to their web
5 site, their patent number is marked on every
6 page of every one of their products.

7 They certainly have a theory.
8 They certainly have some idea of why their
9 products are practiced by the patents. All
10 we're asking them to do is tell us what that
11 theory is so we can challenge it in this
12 litigation.

13 THE COURT: Do you have access to
14 their product?

15 MR. WEINSTEIN: No, I don't have
16 access to their product. I have access to their
17 web site materials, where they tout their patent
18 and discuss the products that are practiced by
19 it. It's the same products that are identified
20 in their interrogatory.

21 THE COURT: Have you sought in
22 discovery to have access to their product?

23 MR. WEINSTEIN: I just -- I'm not
24 sure, Your Honor. Ms. Keefe is writing me

1 notes. She thinks that's the case, but sitting
2 here now, I'm not exactly sure.

3 THE COURT: I guess what I'm
4 having trouble with is, I understand why you
5 need to know which products it is that Leader
6 has that they believe practice their own patent.

7 But once they disclosed them to
8 you and provided that you had sufficient access
9 to those products, I'm not understanding why the
10 burden at this stage in the proceedings isn't
11 properly placed on you to begin to prepare your
12 case as to why you think you're not direct
13 competitors and why you think they can't show
14 irreparable harm on the grounds that they don't
15 practice their own patent.

16 MR. WEINSTEIN: The problem with
17 that, Your Honor, is it's basically asking us to
18 prove a negative.

19 If, in fact, it's the case that
20 they're going to seek permanent injunctive
21 relief in this case -- and by every indication
22 they've indicated that they're going to --
23 they're the plaintiff in the case. They're
24 going to have to prove entitlement to a

1 permanent injunction. They're going to have a
2 burden of proof to show that they are
3 competitors and that their products do practice
4 the patent.

5 We, of course, would respond to
6 that allegation and say, "We don't believe we're
7 competitors. We're in different markets, and
8 our products, in fact -- your products, in fact,
9 do not practice your patent."

10 They will have to make some
11 initial showing. It's very difficult for us to
12 try to rebut an allegation when we don't know
13 what the basis of their allegation is.

14 THE COURT: I want to talk to
15 Leader on this issue now.

16 Is it going to be you, Mr. Andre?

17 MR. ANDRE: It is, Your Honor.

18 Regarding meet and confer, Ms. Kobialka will
19 speak, but on the other issues, I'll speak.

20 THE COURT: Let me start with you
21 then.

22 First off, is Leader to Leader,
23 powered by Digital Leaderboard, the only Leader
24 product or service that practices the 761

1 patent?

2 MR. ANDRE: Yes, Your Honor.

3 THE COURT: Are you able to state
4 at this point which of the asserted claims that
5 the 761 patent, that that product practices?

6 MR. ANDRE: No, Your Honor.

7 THE COURT: All right.

8 And how long would you need to be
9 able to put yourselves on the record as to which
10 of the asserted claims the product you just
11 identified practices?

12 MR. ANDRE: It would be a fairly
13 large burden, Your Honor. We'd have to go
14 through and do an entire analysis of proving
15 infringement of our own product.

16 THE COURT: I understand your
17 contention that you would have to do an entire
18 analysis if I required you to do the detailed
19 claim chart that they're asking for.

20 But if all I required you to do
21 was let them know which of the asserted claims
22 you believe your product practices, how hard can
23 that be, and when could you get it done?

24 MR. ANDRE: Your Honor, that would

1 with a simpler task, and we could get that done
2 within a week.

3 THE COURT: Okay.

4 And so tell me why I should not
5 order you to do that, and in the alternative,
6 why should I not order you to do the claim
7 chart?

8 MR. ANDRE: Your Honor, the actual
9 relevance for us naming our product is not
10 whether we're practicing our invention or not.
11 It is if we are direct competitors.

12 Look at Federal Circuit precedent
13 regarding the irreparable harm issue for an
14 injunction. The issue there is: Are we
15 competitors? Are they taking sales away from us
16 in our market share? That's our irreparable
17 harm.

18 The patent gives a right to
19 exclude people, but it's not a one-for-one,
20 product-by-product comparison. The claim chart
21 they're asking for can only be used to try to
22 flip the case.

23 The next thing that happens, they
24 would be trying to prove our product doesn't

1 infringe our patent. Will they have expert
2 reports on this? I don't know.

3 There's absolutely no relevance
4 whatsoever for us to go through an infringement
5 analysis element by element with supporting
6 documentation as they request to try to prove
7 our own product infringes our patent.

8 So with respect to naming which
9 claims that we've asserted against them that is
10 also covered by our product, Your Honor, we're
11 willing to do that. I have no problem with
12 that. I think that's something we can do in
13 short order.

14 But to take a position as to why
15 each element is covered, all they can use this
16 for is to try to do a product-by-product
17 comparison, which is improper, or use it in some
18 kind of claim construction, which is also
19 improper.

20 There's absolutely no relevance,
21 and there's a lot of potential shenanigans that
22 might take place with this type of discovery.

23 THE COURT: Let me hear from
24 Ms. Kobialka on the meet-and-confer issue,

1 please.

2 MS. KOBIALKA: Thank you, Your
3 Honor.

4 The way that the meet and confer
5 had occurred was the parties were having
6 discussions way back in April, and there was a
7 bit of correspondence that went back and forth,
8 and I was involved in those particular
9 meet-and-confer discussions.

10 And at that time we specifically
11 discussed this issue of claim charts, and I
12 requested they provide me with some law to
13 support their position that it would be
14 appropriate for the patentee to bear the burden
15 of preparing claim charts and said that we would
16 supplement our interrogatory response.

17 All of the correspondence we had
18 leading up to our supplemental interrogatory
19 response, we did specifically discuss that, but
20 it was dropped after we served our supplemental
21 interrogatory response on April 17.

22 The subsequent meet and confers
23 that have come up since April 17th and the ones
24 that Mr. Weinstein had referred to in August

1 were all surrounding the allegation that
2 Facebook claimed we needed to change our
3 interrogatory response for number nine because
4 they said our response was inconsistent with our
5 document production.

6 We kept informing them we do not
7 believe our response is inconsistent with the
8 documents. To the extent they thought that was
9 the case, we would invite them to go ahead and
10 ask additional discovery requests to understand
11 -- so they could understand what was going on
12 behind it.

13 But as their Interrogatory Number
14 9 is written, it did not require us to provide
15 an explanation when they just disputed what we
16 said in our interrogatory.

17 And that is borne out, actually,
18 on Exhibit C, that correspondence that we
19 attached to our letter dated September 3rd, in
20 which we specifically said our Interrogatory
21 Number 9 response is complete and is not
22 inconsistent with the documents produced,
23 contrary to what Facebook has been saying to us,
24 and that there was nothing additional that we

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1 needed to supplement at this time if they wanted
2 information regarding these claims of
3 inconsistencies between the documents produced.

4 And their response is they could
5 go ahead and request that in additional
6 discovery. So all of our meet-and-confer
7 efforts were then surrounding the substance of
8 the response, but we've never discussed claim
9 charts, and to this day, we've yet to get any
10 legal support whatsoever because there is none.
11 There is no law that says the patentee should
12 bear the burden of providing the claim chart.

13 THE COURT: Mr. Weinstein, do you
14 want to respond to anything you heard?

15 MR. WEINSTEIN: Just briefly, Your
16 Honor.

17 The issue was never dropped, ever.
18 It was raised twice in two separate telephonic
19 meet and confers. Their position was very
20 clear.

21 In fact, those meet and confers
22 are what resulted in the supplemental
23 interrogatory response that is the subject of
24 our motion to compel.

1 Their position has always been the
2 same: We're not going to provide claim charts.
3 They've never wavered in that position.

4 The theory that we somehow dropped
5 our request for claim chart is simply unfounded,
6 and the exhibits I cited to you -- Exhibit E to
7 the August 27th letter and then Exhibit C to the
8 September 3rd letter -- bear that out.

9 THE COURT: Okay.

10 Well, on this one -- and again I
11 will get something out in writing to you -- I'm
12 going to grant in part and deny in part the
13 request to compel a further response from Leader
14 to Interrogatory Number 9.

15 I'm granting it to the extent that
16 I am requiring Leader to confirm that it has
17 disclosed the identity of all of its products
18 and services it believes practice its 761
19 patent, and, further, to require within ten days
20 of today that Leader provide Facebook with an
21 indication as to which of the asserted claims in
22 this case are practiced by that product or
23 products.

24 I'm denying the request for a

1 claim chart. I've yet to hear any authority to
2 support a requirement that a patentee undertake
3 the burden, at this stage of discovery, to prove
4 through detailed claim charts that its own
5 products practice its own patent.

6 I recognize that this is an
7 unusual case, but I think, recognizing the
8 unusual nature of it, and weighing the relative
9 burdens -- not just burden of proof, but the
10 burden of time expended that would be necessary
11 -- and factoring in the relevance and at what
12 point in these proceedings these issues are
13 going to become most relevant -- weighing all
14 that together, I conclude that the result that
15 I've come up with properly considers all of
16 those factors and places the right amount of
17 burden on the patentee.

18 That's all that this call is
19 scheduled to address. I am mindful, as I'm sure
20 the parties are, that I have received a latest
21 round of letters relating to the ongoing dispute
22 as to when Leader is going to have access to the
23 full source code of Facebook, if ever. And
24 those letters have been helpful, and I plan to

1 get you an answer to that question soon.

2 I don't want to turn this into a
3 long argument over that issue, but knowing that
4 those letters are out there and knowing that I'm
5 going to be deciding that issue very soon, I
6 want to give you each a chance, if you want,
7 just for a few minutes to say whatever you want
8 to say on that issue.

9 So, Leader, you can have that
10 opportunity first.

11 MR. ANDRE: Thank you, Your Honor.
12 This is Paul Andre. I'll be speaking for
13 Leader.

14 In the letters what we tried to
15 show the Court was that we have disclosed the
16 public information that is available to us that
17 shows that the Facebook web site actually
18 infringes these patents. We've gone through and
19 laid out element-by-element analysis.

20 They were not happy with our
21 interrogatories early in this case. They moved
22 to compel earlier in front of Judge Farnan.
23 Judge Farnan denied it and said these are
24 sufficient for the time being, but that we will

1 need to supplement once we get the confidential
2 documents.

3 We've been waiting now for six
4 months to get a single confidential document or
5 any type of information that would help us
6 complete these and give them more substantive
7 responses.

8 So at this point we are confident
9 that we've exhausted the public information, and
10 now we are just waiting to get the actual
11 information we get in every litigation.

12 This case has been going on for
13 quite some time. Discovery has been going on
14 for six months, and they have yet to produce a
15 single confidential document.

16 In the call earlier today, I heard
17 Counsel for Facebook say they are confident, and
18 they know what this claim means, and they don't
19 infringe, and they don't think our product
20 infringes.

21 They have an understanding what
22 this claim talks about, what this patent talks
23 about. They have an understanding what we're
24 accusing because we laid out very clearly the

1 information.

2 I think that's clear from the
3 briefs and the letters we've provided, and we've
4 explained our case to them. And I think the
5 purpose of these letters was to set forth, have
6 we explained to them our theory of the case?
7 And I think it's pretty clear that we have.

8 Thank you, Your Honor.

9 THE COURT: Sure.

10 Facebook, anything of a brief
11 nature you wish to add on this dispute?

12 MR. WEINSTEIN: Your Honor, we
13 obviously disagree with Mr. Andre, but we think
14 the letter briefs speak for themselves.

15 If you have any specific
16 questions, I'd be happy to answer them, but I
17 think the record is pretty complete on this
18 issue.

19 THE COURT: I agree. The record
20 is pretty complete. And again I thank you. The
21 letters are detailed and helpful.

22 I will be entering an order on
23 that issue soon, but I am going to continue the
24 stay of my order, which is Docket Entry Number

1 78, the one that had required Facebook to
2 provide access to the full source code by a
3 date. I think it was in August.

4 I'm going to continue that stay
5 until I get my written order out to you
6 resolving the issue as best I can.

7 Thank you all very much for your
8 time.

9 MR. ANDRE: Thank you, Your Honor.

10 MR. WEINSTEIN: Thank you.

11 (Proceeding ended at 11:32 a.m.)

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C E R T I F I C A T I O N

I, DEANNA WARNER, Professional Reporter, certify that the foregoing is a true and accurate transcript of the foregoing proceeding.

I further certify that I am neither attorney nor counsel for, nor related to nor employed by any of the parties to the action in which this proceeding was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

DEANNA WARNER
Professional Reporter and Notary Public

EXHIBIT 2

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

LEADER TECHNOLOGIES, INC., a)	
Delaware corporation,)	
)	Civil Action No. 08-862-JJF/LPS
Plaintiff-Counterdefendant,)	
)	
v.)	
)	
FACEBOOK, INC.,)	
a Delaware corporation,)	
)	
Defendant-Counterclaimant.)	

LEADER TECHNOLOGIES, INC.’S RESPONSES TO FACEBOOK, INC.’S FOURTH SET OF INTERROGATORIES (NOS. 12-18)

Pursuant to Fed. R. Civ. P. 33, Plaintiff Leader Technologies, Inc. (“Leader”) hereby submits the following responses to Defendant Facebook, Inc.’s “Facebook”) Fourth Set of Interrogatories (Nos. 12-18).

PRELIMINARY STATEMENTS

The specific responses set forth below are for the purposes of discovery only and Leader neither waives nor intends to waive, but expressly reserves, any and all objections it may have to the relevance, competence, materiality, admissibility or use at trial of any information, documents or writings produced, identified or referred to herein, or to the introduction of any evidence at trial relating to the subjects covered by such responses. All such objections may be made at any time up to and including the time of trial.

A. Leader’s investigation is ongoing. Pursuant to Fed. R. Civ. P. 26(e), Leader specifically reserves the right to supplement and amend these responses and, if necessary, to assert additional objections arising from further investigation.

B. Leader expressly reserves its right to rely, at any time including trial, upon subsequently discovered information or information omitted from the specific responses set forth below as a result of mistake, oversight or inadvertence.

C. The specific responses set forth below are based upon Leader's interpretation of the language used in the requests, and Leader reserves its right to amend or supplement further responses in the event that Defendant asserts an interpretation that differs from Leader's interpretation.

D. Leader's response to a particular request shall not be interpreted as implying that responsive documents and things exist or that Leader acknowledges the appropriateness of the request.

E. The following responses are based on information reasonably available to Leader as of the date of this response. Leader's investigation is continuing and ongoing and Leader expressly reserves the right to revise and/or supplement its responses.

GENERAL OBJECTIONS

The following General Objections apply to each request and are hereby incorporated by reference into the individual response to each request, and shall have the same force and effect as if fully set forth in the individual response to each request.

1. Leader objects to each request to the extent it purports to require Leader to do anything beyond what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, and other applicable law.

2. Leader objects to Defendant's "Instructions" to the extent they seek to impose obligations beyond those permitted by the Federal Rules of Civil Procedure, the Local Rules of this Court, or other applicable law.

3. Leader objects to each request to the extent it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, and/or any other applicable privilege or immunity.

4. Leader objects to each request to the extent it is phrased in a manner that would render it overly broad, vague or ambiguous, or would require subjective judgment or speculation on the part of Leader. Leader responds to these requests by construing them in light of the scope of the issues in this action.

5. Leader objects to each request to the extent it seeks to elicit information that is subject to a right of privacy under the relevant provisions of federal and state law.

6. Leader objects to each request to the extent it seeks to elicit third-party confidential information.

7. Leader objects to each request to the extent it purports to place an obligation on Leader to obtain information that is as readily available to Defendant as it is to Leader.

8. Leader objects to each request to the extent it calls for information not in the possession, custody or control of Leader.

9. Leader objects to each request to the extent it is not properly limited in time and/or improperly attempts to capture information, if any, created prior to issuance of U.S. Patent No. 7,139,761 (“the ‘761 Patent”).

10. Leader objects to each request to the extent it calls for expert testimony.

11. Leader objects to each request to the extent it calls for interpretation and application of legal conclusions and contentions of the parties.

OBJECTIONS TO DEFINITIONS

A. Leader objects to Defendants definition of “you,” “your,” “Leader,” and “Plaintiff” as overly broad. Leader shall construe the terms to mean Leader Technologies, Inc., and their employees, agents and attorneys.

B. Leader objects to Defendants definition of “Document” to the extent it seeks to define that term more broadly than allowed under the Federal Rules of Civil Procedure and/or the Federal Rules of Evidence. Leader shall construe the term in a manner consistent with said Rules.

LEADER TECHNOLOGIES, INC.’S RESPONSES AND SPECIFIC OBJECTIONS TO FACEBOOK, INC.’S FOURTH SET OF INTERROGATORIES (NOS. 12-18)

INTERROGATORY NO. 12

Identify with particularity the data created on the facebook.com website, if any, that you contend constitute the “user-defined data created by user interaction of a user in a first context,” as recited in claim 1 of U.S. Patent No. 7,139,761.

RESPONSE TO INTERROGATORY NO. 12

Leader incorporates by reference the General Objections. Leader objects to this Interrogatory to the extent that it is vague and ambiguous. Leader objects to this Interrogatory to the extent Facebook has only produced a limited number of technical documents despite the Court’s order. Leader objects to this Interrogatory to the extent it is premature, as the Court has not yet construed claim terms of the ‘761 Patent. Leader objects to this Interrogatory to the extent that it calls for expert testimony.

Subject to and without waiving the forgoing Specific and General Objections, Leader responds as follows: non-limiting examples of infringing functionality found thus far, including

“user-defined data created by user interaction of a user in a first context,” as recited in Claim 1 of U.S. Patent No. 7,139,761, are identified in Leader’s Initial and Supplemental Responses to Interrogatory 1, which are incorporated herein by reference.

INTERROGATORY NO. 13

For each item or type of user-defined data identified in response to Interrogatory No. 12, identify with particularity the first context, if any, in which the user-defined data was allegedly created.

RESPONSE TO INTERROGATORY NO. 13

Leader incorporates by reference the General Objections. Leader objects to this Interrogatory to the extent that it is vague and ambiguous. Leader objects to this Interrogatory to the extent Facebook has only produced a limited number of technical documents despite the Court’s order. Leader objects to this Interrogatory to the extent it is premature, as the Court has not yet construed claim terms of the ‘761 Patent. Leader objects to this Interrogatory to the extent that it calls for expert testimony.

Subject to and without waiving the forgoing Specific and General Objections, Leader responds as follows: non-limiting examples of infringing functionality found thus far, including a first context in which user-defined data is created, are identified in Leader’s Initial and Supplemental Responses to Interrogatory 1, which are incorporated herein by reference.

INTERROGATORY NO. 14

Identify and describe with particularity all user actions and events on facebook.com by which “a change of the user from the first context to a second context,” as recited in claim 1 of U.S. Patent No. 7,139,761, is allegedly accomplished.

RESPONSE TO INTERROGATORY NO. 14

Leader incorporates by reference the General Objections. Leader objects to this Interrogatory to the extent it is overbroad to the extent it asks for “all user actions and events.” Leader objects to this Interrogatory to the extent that it is vague and ambiguous. Leader objects to this Interrogatory to the extent Facebook has only produced a limited number of technical documents despite the Court’s order. Leader objects to this Interrogatory to the extent it is premature, as the Court has not yet construed claim terms of the ‘761 Patent. Leader objects to this Interrogatory to the extent that it calls for expert testimony.

Subject to and without waiving the forgoing Specific and General Objections, Leader responds as follows: non-limiting examples of infringing functionality found thus far, including “a change of the user from the first context to a second context,” as recited in Claim 1 of U.S. Patent No. 7,139,761, are identified in Leader’s Initial and Supplemental Responses to Interrogatory 1, which are incorporated herein by reference.

INTERROGATORY NO. 15

For each user action or event identified in response to Interrogatory No. 14, identify with particularity the first context and the second context.

RESPONSE TO INTERROGATORY NO. 15

Leader incorporates by reference the General Objections. Leader objects to this Interrogatory to the extent that it is vague and ambiguous. Leader objects to this Interrogatory to the extent Facebook has only produced a limited number of technical documents despite the Court’s order. Leader objects to this Interrogatory to the extent it is premature, as the Court has not yet construed claim terms of the ‘761 Patent. Leader objects to this Interrogatory to the extent that it calls for expert testimony.

Subject to and without waiving the forgoing Specific and General Objections, Leader responds as follows: non-limiting examples of infringing functionality found thus far, including a first context and a second context, are identified in Leader's Initial and Supplemental Responses to Interrogatory 1, which are incorporated herein by reference.

INTERROGATORY NO. 16

For each item or type of user-defined data identified in response to Interrogatory No. 12, identify and describe with particularity all user actions and events on facebook.com by which "the user accesses the data from the second context," as recited in claim 1 of U.S. Patent No. 7,139,761.

RESPONSE TO INTERROGATORY NO. 16

Leader incorporates by reference the General Objections. Leader objects to this Interrogatory to the extent it is overbroad to the extent it asks for "all user actions and events." Leader objects to this Interrogatory to the extent that it is vague and ambiguous. Leader objects to this Interrogatory to the extent Facebook has only produced a limited number of technical documents despite the Court's order. Leader objects to this Interrogatory to the extent it is premature, as the Court has not yet construed claim terms of the '761 Patent. Leader objects to this Interrogatory to the extent that it calls for expert testimony.

Subject to and without waiving the forgoing Specific and General Objections, Leader responds as follows: non-limiting examples of infringing functionality found thus far, including user actions and events by which "the user accesses the data from the second context," as recited in Claim 1 of U.S. Patent No. 7,139,761, are identified in Leader's Initial and Supplemental Responses to Interrogatory 1, which are incorporated herein by reference.

INTERROGATORY NO. 17

For each action and/or event identified in response to Interrogatory No. 16, identify with particularity the second context, if any, in which the data is allegedly accessed by the user.

RESPONSE TO INTERROGATORY NO. 17

Leader incorporates by reference the General Objections. Leader objects to this Interrogatory to the extent that it is vague and ambiguous. Leader objects to this Interrogatory to the extent Facebook has only produced a limited number of technical documents despite the Court's order. Leader objects to this Interrogatory to the extent it is premature, as the Court has not yet construed claim terms of the '761 Patent. Leader objects to this Interrogatory to the extent that it calls for expert testimony.

Subject to and without waiving the forgoing Specific and General Objections, Leader responds as follows: non-limiting examples of infringing functionality found thus far, including a second context in which data is accessed by a user, are identified in Leader's Initial and Supplemental Responses to Interrogatory 1, which are incorporated herein by reference.

INTERROGATORY NO. 18

For each product and/or service that LTI has marked with U.S. Patent No. 7,139,761, describe, with particularity, the process employed for each such marking, including but not limited to an identification of the beginning and end date(s) of the marking of that product and a description of the analysis, if any, by which the decision to mark such product was reached.

RESPONSE TO INTERROGATORY NO. 18

Leader incorporates by reference the General Objections. Leader objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome to the extent it seeks information regarding the process employed for each marking of a Leader product and/or

service. Leader objects to this Interrogatory to the extent that it is vague and ambiguous. Leader objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.


Subject to and without waiving the forgoing Specific and General Objections, Leader responds as follows: Leader has the policy of marking material related to Leader2Leader® or related to the Digital Leaderboard® engine with U.S. Patent No. 7,139,761, starting when the patent was issued on November 21, 2006.

POTTER ANDERSON & CORROON LLP

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Dated: October 15, 2009
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*Attorneys for Plaintiff and Counterdefendant
Leader Technologies, Inc.*

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

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on October 15, 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 EMAIL AND FIRST CLASS MAIL

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VERIFICATION

I, Michael T. McKibben, Chairman and Founder of Leader Technologies, Inc., being duly sworn, deposes and says that I am authorized to sign this Verification and that I am informed and believe that the factual statements in Plaintiff Leader Technologies, Inc.'s Response to Facebook, Inc.'s Interrogatory No. 18 is true and correct to the best of my knowledge, information and belief. I declare under penalty of perjury under the laws of the State of Ohio and the United States that the above statement is true and correct.

Oct. 14, 2009

Date



Michael T. McKibben

EXHIBIT 3

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

LEADER TECHNOLOGIES, INC., a)	
Delaware corporation,)	
)	Civil Action No. 08-862-JJF/LPS
Plaintiff-Counterdefendant,)	
)	
v.)	
)	
FACEBOOK, INC.,)	
a Delaware corporation,)	
)	
Defendant-Counterclaimant.)	

**LEADER TECHNOLOGIES, INC.’S RESPONSES TO FACEBOOK, INC.’S
SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO
LEADER TECHNOLOGIES, INC. (49-80)**

Pursuant to Fed. R. Civ. P. 34, Leader Technologies, Inc. (“Leader”) hereby objects and responds to Defendant Facebook, Inc.’s (“Facebook”) Second Set of Requests for Production of Documents to Leader Technologies, Inc. (“Requests”). Leader makes the objections and responses herein (collectively the “Responses”) based solely on its current knowledge, understanding and belief as to the facts and information available to it as of the date of the Responses. Additional discovery and investigation may lead to additions to or modifications of these Responses. The Responses, therefore, are being given without prejudice to Leader’s right to supplement these Responses pursuant to Fed. R. Civ. P. 26(e), or to produce subsequently discovered information and to introduce such subsequently discovered information at the time of any trial or other proceedings in this action.

GENERAL OBJECTIONS

1. Leader hereby incorporates by reference each and every general objection set forth below into each and every specific Response. From time to time, a specific Response may repeat a general objection for emphasis or for some other reason. The failure to include a general

objection in a specific Response shall not be interpreted as a waiver of that general objection to that Response.

2. Leader objects to each and every Definition, Instruction, and Request to the extent it purports to impose any requirement or discovery obligation on Leader greater or different than those imposed by the Federal Rules of Civil Procedures, the Local Civil Rules of this Court, or orders of the Court governing these proceedings.

3. By stating in these Responses that Leader will produce documents or things, Leader does not intend to represent that any responsive documents or things actually exist within its possession, custody, or control, but rather that Leader has made, and will continue to make, a reasonable good faith search and attempt to ascertain whether responsive documents or things do in fact exist in Leader's possession, custody, or control.

4. Leader's production of documents or things in response to any Request is not intended to waive, and does not constitute waiver of, any objection which it may have to the admissibility, authenticity, competency, relevance, or materiality of the documents and things produced. For any and all documents and things produced in response to each Request, Leader reserves all objections or other questions regarding the admissibility, authenticity, competency, relevance, or materiality of such documents and things as evidence in this suit or any other proceeding, action, or trial.

5. Leader objects to each and every Definition, Instruction, and Request to the extent it purports to require Leader to produce documents or things that are not within its possession, custody, or control. Leader limits the scope of its Response to each Request to information within its possession, custody, or control.

6. Leader objects to each and every Definition, Instruction, and Request to the extent it seeks the production of “all” documents, communications and/or things in circumstances where literal interpretation of the Request asks for documents and things that are not relevant to the Litigation and renders the Request overly broad, unduly burdensome, and oppressive. In such circumstances, subject to any other applicable objection, Leader will make a reasonable production of responsive, non-privileged documents relevant to any claim or defense of the parties in the Litigation.

7. Leader objects to each and every Definition, Instruction, and Request to the extent that it seeks information that is in the public domain and is either (a) equally available to Facebook from another source; or (b) can be obtained more efficiently by Facebook through other means of discovery.

8. Leader objects to each and every Definition, Instruction, and Request to the extent it calls a legal conclusion or for information which is subject to a claim of privilege, including, without limitation, the attorney-client privilege and/or attorney-work product doctrine, or any other applicable privilege, doctrine, or immunity. Leader will not disclose or produce any documents or things so protected and the inadvertent disclosure or production of any such information shall not constitute a waiver of any applicable privilege, doctrine, or immunity.

9. Leader objects to each and every Definition, Instruction, and Request to the extent that it seeks the production of confidential, business, financial, proprietary, or sensitive information or trade secrets of Leader before the Court has entered an acceptable protective order in the Litigation.

10. Leader objects to each and every Definition, Instruction, and Request to the extent that it seeks the production of confidential, business, financial, proprietary, or sensitive

information or trade secrets of third parties that is subject to a pre-existing protective order and/or confidentiality agreement or in which any third party has an expectation of privacy. Such information shall not be provided absent an express order from a court of competent jurisdiction or an authorization from the third party having the interest in the information's confidentiality.

11. Leader objects to each and every Definition, Instruction, and Request to the extent it seeks the production of documents or things containing both discoverable and non-discoverable or objectionable material and reserves the right to redact from documents or things any non-responsive or irrelevant matter and matter for which Leader may claim privilege or immunity from discovery.

12. Leader objects to each and every Definition, Instruction, and Request to the extent it is overbroad and/or seeks information that is not relevant to the issues in the Litigation or not reasonably calculated to lead to the discovery of admissible evidence because it is not properly limited in time.

13. Leader objects to each and every Definition, Instruction, and Request to the extent it is unreasonably cumulative or duplicative.

14. Leader objects to each and every Definition, Instruction, and Request to the extent it is premature because the Court has not yet construed the claim terms of U.S. Patent No. 7,139,761 ("the '761 Patent") and/or it seeks documents or information that are scheduled to be disclosed to Facebook on future dates directed by the Court.

15. Leader objects to each and every Definition, Instruction, and Request to the extent that it is vague and ambiguous.

16. Leader objects to each and every Definition, Instruction, and Request to the extent it is unduly burdensome and oppressive to the extent it subjects Leader to unreasonable and undue effort or expense.

17. Leader's written Responses and production of documents and things are based upon information and writings available to and located by its attorneys as of the date of these Responses. Leader has not completed its investigation of the facts relating to this case, has not completed discovery in this action, and has not completed its preparation for trial. The information supplied herein is based only on such information and documents which are reasonably available and specifically known to Leader and its attorneys as of the date of these Responses. Therefore, Leader's written Responses and production of documents and things are made without prejudice to Leader's right to supplement and/or amend the written Responses and the production of documents and things and to present at any trial or other proceeding evidence discovered and produced hereafter.

18. Leader objects to each and every Definition, Instruction, and Request to the extent it is unduly burdensome and oppressive on the grounds that it purports to require Leader to search facilities other than those facilities that would reasonably be expected to have responsive information. Leader's Responses are based upon a reasonable search of facilities and files that could reasonably be expected to contain responsive information.

RESPONSES AND SPECIFIC OBJECTIONS TO REQUESTS

REQUEST FOR PRODUCTION NO. 49:

49. All documents that refer to, relate to, or comprise the results of any searches for prior art to the '761 patent conducted by LTI or by another entity, including without limitation all prior art references located in connection with such searches.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

Leader objects to this Request as duplicative of other Requests. Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks to burden Leader with the production of publicly available documents and/or documents within the possession, custody or control of Facebook.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 50:

50. All financial statements and reports from 2002 to the present, including, but not limited to, balance sheets, income statements, profit-and-loss statements, cash flow statements, statements of retained earnings, costs and asset valuations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have

not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 51:

51. All summary financial reports, including, but not limited to, monthly, quarterly and/or yearly reports, of LTI's gross and net revenues and gross and net profits from 2002 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 52:

52. Documents sufficient to determine LTI's gross and net revenues and gross and net profits on an annual or other periodic basis for every year since 2002.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 53:

53. All summary reports, including, but not limited to, monthly, quarterly and/or yearly reports, of gross and net revenues and gross and net profits generated by LTI in connection with its sales of Leader2Leader since Leader2Leader was conceived.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as vague and ambiguous, particularly as to the phrases “in connection with its sales” and “conceived.” Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 54:

54. For every year since LTI conceived or began development of the product(s) known as Leader2Leader, whichever is earlier, documents sufficient to establish the gross and net revenues and gross and net profits on an annual or other periodic basis derived from any sales and/or commercial exploitation of such product(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 54:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as vague and ambiguous, particularly as to the phrases “conceived,” “began development,” “derived from any sales,” and “commercial exploitation.” Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 55:

55. All summary reports, including, but not limited to, monthly, quarterly and/or yearly reports costs and expenses incurred by LTI in connection with its sales of Leader2Leader since Leader2Leader was conceived.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrases “expenses incurred,” “in connection with its sales” and “conceived” and Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as overbroad and unduly

burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 56:

56. For every year since LTI conceived of Leader2Leader, all documents and communications sufficient to determine the costs and expenses incurred in connection with providing Leader2Leader on an annual or other periodic basis.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase "expenses incurred" and "in connection with providing." Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 57:

57. All documents and communications that refer to, relate to, or comprise financing requests submitted by LTI to third parties or financing offers made by third parties to LTI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrases “financing requests” and “financing offers.” Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks the production of a third-party’s confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

REQUEST FOR PRODUCTION NO. 58:

58. All documents and communications that refer to, relate to, or comprise any business plans or proposals that refer to or depend upon either Leader2Leader or the ‘761 patent.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrases “business plans or proposals” and “depend upon.” Leader objects to this Request as duplicative of other Requests. Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the

discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks the production of a third-party's confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 59:

59. All documents and communications that refer to, relate to, or comprise any projections of LTI's future business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 59:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase "projections of LTI's future business." Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks the production of a third-party's confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 60:

60. All documents and communications that refer to or relate to any attempts to sell LTI itself and/or any intellectual property owned by LTI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60:

Leader objects to this Request as duplicative of other Requests. Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase “attempts to sell LTI itself.” Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks the production of a third-party’s confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have

not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 61:

61. All documents that refer to or relate to any awards, reviews or other public recognition received by LTI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 61:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase "reviews or other public recognition." Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks to burden Leader with the production of publicly available documents.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 62:

62. All documents that support your contention, if any, that Leader2Leader fulfilled a long-felt need.

RESPONSE TO REQUEST FOR PRODUCTION NO. 62:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase “long-felt need.” Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks to burden Leader with the production of publicly available documents and/or documents within the possession, custody or control of Facebook.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 63:

63. All documents that refer to, relate to, or support the assertion by LTI that, “Leader has conducted extensive R&D surrounding the subject of social networking technology for more than a decade,” <www.leader.com/leader2leader.htm>(last visited September 15, 2009).

RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and

unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 64:

64. All documents that support your contention, if any, that others have failed to fulfill a need in the relevant market that Leader2Leader allegedly fulfills.

RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase "fulfill a need in the relevant market." Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it

seeks to burden Leader with the production of publicly available documents and/or documents within the possession, custody or control of Facebook.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 65:

65. A fully-functioning copy and/or account sufficient to enable access to and/or use of Leader2Leader, including all its features

RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrases “fully-functioning copy” and “account sufficient to enable access.” Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 66:

66. A fully-functioning copy and/or account sufficient to enable access to and/or use of Leader2Leader Enterprise Social Networking, including all its features.

RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrases “fully-functioning copy,” “account sufficient to enable access” and “Leader2Leader Enterprise Social Networking.” Leader objects to this Request as overbroad and unduly

burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 67:

67. A copy of the complete source code for Leader2Leader.

RESPONSE TO REQUEST FOR PRODUCTION NO. 67:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase "complete source code." Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 68:

68. All documents and communications that refer to or relate to the conception, design, development, implementation, research, testing, evaluation, production, and/or sales of Leader2Leader, including, but not limited to, meeting notes, memoranda, correspondence, data sheets, test data, test results, analyses, drawings, design diagrams, design reviews, technical files, notes, engineering notebooks, invention disclosure forms, laboratory notebooks, reports, graphs, charts, articles, presentation materials, workbooks, electronic mail, and/or the first drawing or sketch and the first written description of Leader2Leader.

RESPONSE TO REQUEST FOR PRODUCTION NO. 68:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrases "conception" and "first written description." Leader objects to this Request to the extent it is duplicative of other Requests. Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks

information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 69:

69. All documents and communications sufficient to identify each person involved in any way in the conception, design, research, experimental work, development, reduction to practice, examination, analysis, testing, and/or evaluation of Leader2Leader.

RESPONSE TO REQUEST FOR PRODUCTION NO. 69:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this request to the extent it is vague and ambiguous, particularly as to the phrases “conception” and “reduction to practice.” Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks the production of a third-party’s confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 70:

70. All documents and communications that describe the operation of Leader2Leader, including without limitation all user manuals, installation manuals, administrator manuals and other documentation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 70:

Leader objects to this Request as duplicative of other Requests. Leader objects to this request to the extent it is vague and ambiguous, particularly as to the phrase “describe the operation.” Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 71:

71. All documents and communications that refer to or relate to the conception, design, research, experimental work, development, reduction to practice, examination, analysis, testing and/or evaluation of the social networking feature(s), if any, of Leader2Leader, including, but not limited to, documents sufficient to identify each person involved in any way in the

conception, design, research, experimental work, development, reduction to practice, examination, analysis, testing, and/or evaluation of such social networking feature(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 71:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the “conception,” “reduction to practice” and “social networking feature(s).” Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 72:

72. All documents and communications that refer to or relate to the marketing, advertising and other commercial promotion of Leader2Leader and/or Leader2Leader Enterprise Social Networking.

RESPONSE TO REQUEST FOR PRODUCTION NO. 72:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase “commercial promotion.” Leader objects to this Request as duplicative of other Requests. Leader objects to this Request to the extent it seeks information which is outside the

possession, custody or control of Leader. Leader objects to this Request to the extent it seeks to burden Leader with the production of publicly available documents. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 73:

73. Documents sufficient to identify all customers of Leader2Leader and/or Leader2Leader Enterprise Social Networking.

RESPONSE TO REQUEST FOR PRODUCTION NO. 73:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase “all customers of Leader2Leader.” Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information related to “all customers of Leader2Leader.” Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks the production of a third-party’s confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information related to “all customers.”

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 74:

74. Documents sufficient to identify every third party who participated in any testing or evaluation of Leader2Leader, including without limitation early adopters, actual or potential customers and members of the press.

RESPONSE TO REQUEST FOR PRODUCTION NO. 74:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrases “participated in any testing or evaluation” and “early adopters.” Leader objects to this Request as duplicative of other Requests. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks the production of a third-party’s confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 75:

75. All documents and communications relating to Leader2Leader which refer to the '761 patent or the alleged invention embodied in the '761 patent.

RESPONSE TO REQUEST FOR PRODUCTION NO. 75:

Leader objects to this Request to the extent it calls for a legal conclusion. Leader objects to this Request to the extent it is duplicative of other Requests. Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks the production of a third-party's confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 76:

76. All documents and communications showing or describing how Leader2Leader is, was, or has been marked with the '761 patent.

RESPONSE TO REQUEST FOR PRODUCTION NO. 76:

Leader objects to this Request to the extent it is duplicative of other Requests. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 77:

77. All documents that refer to, relate to, or comprise the reasons customers purchase and/or have chosen to use Leader2Leader, including, but not limited to, customer reports, correspondence, sales, meeting minutes, and competitive market analyses, and all documents relating to returns of, or complaints or negative comments regarding, any such product, system process or method.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase "reasons customers purchase and/or have chosen to use Leader2Leader." Leader objects to this Request as duplicative of other Requests. Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably

calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks to burden Leader with the production of publicly available documents and/or documents within the possession, custody or control of Facebook. Leader objects to this Request to the extent it seeks the production of a third-party's confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 78:

78. All white papers or other publications that refer to or relate to either Leader2Leader or the '761 patent.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78:

Leader objects to this Request as duplicative of other Requests. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks to burden Leader with the production of publicly available documents and/or within the possession, custody or control of Facebook.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 79:

79. All documents that refer to, relate to, or comprise any licenses that LTI has taken in the intellectual property of any third party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 79:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase “any license” and “any third party.” Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party’s claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity. Leader objects to this Request to the extent it seeks the production of a third-party’s confidential, proprietary, and/or trade secret information for which Leader is under a legal or contractual obligation to keep confidential.

Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have

not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

REQUEST FOR PRODUCTION NO. 80:

80. All documents constituting or relating to any communications with Jeffrey Lamb taking place after the termination of his employment with LTI, that relate in any way to (a) the '761 patent or the alleged invention embodied therein; (b) any LTI product including without limitation Leader2Leader; (c) this Litigation; (d) Facebook; or (e) social networking.

RESPONSE TO REQUEST FOR PRODUCTION NO. 80:

Leader objects to this Request to the extent it is vague and ambiguous, particularly as to the phrase "termination of his employment" and "social networking." Leader objects to this Request as duplicative of other Requests. Leader objects to this Request to the extent it seeks information which is outside the possession, custody or control of Leader. Leader objects to this Request as overbroad and unduly burdensome to the extent it seeks information that is not relevant to any party's claim or defense in the Litigation and/or not reasonably calculated to lead to the discovery of admissible evidence. Leader objects to this Request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable law, privilege, doctrine, or immunity.


Subject to and without waiving the foregoing General and Specific objections, Leader responds as follows: to the extent Leader understands this Request and such documents exist, Leader has already produced the responsive documents, and to the extent these documents have not been produced, Leader will produce responsive non-privileged documents located after a reasonable search of documents in its custody and control that are relevant to this Litigation.

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Leader Technologies, Inc.*

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

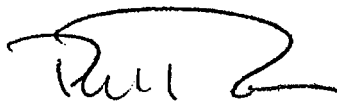
CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on October 16, 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 EMAIL AND FIRST CLASS MAIL

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