

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF DELAWARE**

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

**DECLARATION OF ROWENA YOUNG IN SUPPORT OF LEADER TECHNOLOGIES, INC.'S RESPONSE IN OPPOSITION TO FACEBOOK'S OBJECTIONS TO JULY 28, 2009 ORDER OF MAGISTRATE JUDGE STARK**

OF COUNSEL:

Paul J. André  
Lisa Kobialka  
King & Spalding, LLP  
333 Twin Dolphin Drive  
Suite 400  
Redwood Shores, California 94065-6109  
(650) 590-7100

Philip A. Rovner (#3215)  
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P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
[provner@potteranderson.com](mailto:provner@potteranderson.com)

*Attorneys for Plaintiff  
Leader Technologies, Inc.*

Dated: August 21, 2009  
Public Version: August 28, 2009

I, Rowena Young, hereby declare:

1. I am an attorney with the law firm King & Spalding LLP, counsel of record for Plaintiff Leader Technologies, Inc. ("Leader"). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts.

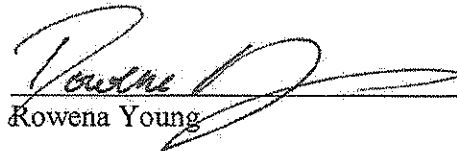
2. Attached hereto as Exhibit 1 is a true and correct copy of a letter dated June 26, 2009 from Leader's counsel, Paul Andre, to Facebook's counsel, Craig Clark, selecting [REDACTED]

3. Attached hereto as Exhibit 2 is a true and correct copy of an email dated July 21, 2009 from Leader's counsel, James Hannah, to Facebook's counsel, Craig Clark, memorializing the July 21, 2009 meet and confer.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter dated June 30, 2009 regarding Facebook's deficient document production from me to Facebook's counsel, Craig Clark.

5. Attached hereto as Exhibit 4 is a true and correct copy of a cover letter dated August 18, 2009, accompanying Leader's most recent set of documents produced to Facebook bates numbered LTI134199 through LTI145927, which brings the total documents produced to approximately 31,928.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed this 21st day of August 2009, at Redwood Shores, California.

  
Rowena Young

# **EXHIBIT 1**

**THIS EXHIBIT HAS BEEN  
REDACTED IN ITS ENTIRETY**

# **EXHIBIT 2**

**THIS EXHIBIT HAS BEEN  
REDACTED IN ITS ENTIRETY**

# **EXHIBIT 3**

# KING & SPALDING

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333 Twin Dolphin Drive  
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rowenayoung@kslaw.com

June 30, 2009

## VIA E-MAIL

Craig W. Clark  
White & Case LLP  
3000 El Camino Real  
5 Palo Alto Square, 9th Floor  
Palo Alto, CA 94306

Re: *Leader Technologies, Inc. v. Facebook, Inc.*, 1:08-cv-00862-JJF (D.Del.)

Dear Craig:

We write regarding Facebook, Inc.'s ("Facebook") document production to date, production of source code and technical documents, and production of documents and things from relevant prior litigations.

Facebook claimed in its Brief in Opposition to Plaintiff's Motion to Compel Responses to Plaintiff's First Set of Requests For Production and First Set of Interrogatories ("Opposition") that Facebook's document production "mooted [Leader's] motion with respect to all issues related to Facebook's counterclaims and affirmative defenses and financial, marketing, valuation and competitive information." Dk. No. 48, pg. 1. We have thoroughly reviewed Facebook's document production (which consists of fewer than 3,000 documents) and are surprised at the incomplete nature of the production given Facebook's representations to Leader and to the Court. Facebook's production did not include any valuations, budgets, financial information or marketing documents after 2007, nor did the production include any competitor information. Based on public information, we understand that valuations of Facebook have been conducted since 2007, with at least one as recently as May 2009. Facebook has not produced any of this highly relevant information. Furthermore, we find it extremely difficult to believe that Facebook does not have in its possession any relevant company, financial, and marketing information from 2008 and 2009 or any competitor information at all given the active nature of the company.



Craig W. Clark  
June 30, 2009  
Page 2

Accordingly, Leader requests that Facebook immediately supplement its document production with relevant company, financial, marketing, and competitor documents through 2009.

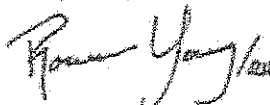
With respect to Facebook's production of source code and technical documents, Facebook provided Leader with a list of [REDACTED]

[REDACTED] Leader has attempted to work with this list to facilitate moving discovery forward in an efficient manner. In a letter from Paul Andre, dated June 26, 2009, Leader requested [REDACTED]. With this concession, Leader anticipates production of the relevant source code and accompanying technical documents. Please confirm that such production will be provided in the next 2 weeks.

Finally, Leader has repeatedly requested documents from Facebook's prior litigations. See Leader's Request for Production No. 18; Leader's Motion to Compel, Dk. No. 39, pg 16. The technology of the Facebook website and the development of the company were previously at issue in multiple litigations. Sworn testimony, documents, and information regarding the company, the technology, and their development is relevant to this litigation. For example, this information is relevant to Leader's infringement and willfulness case and therefore Facebook is obligated to produce it. Any such testimony, documents, and information regarding the technology and the company that Facebook intends to present at trial is also relevant and Facebook is obligated to produce it. Leader again requests that Facebook produce the testimony, documents, and information from prior litigations. Now that Leader has made a preliminary identification of the relevant Facebook source code and technology, Facebook can no longer claim that the issue of such production is premature.

We continue to be available for further discussion as to the issues raised in this letter. As always, please do not hesitate to contact me with any questions.

Very truly yours,



Rowena Young

# **EXHIBIT 4**

# KING & SPALDING

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333 Twin Dolphin Drive  
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Gladys Tong  
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gtong@kslaw.com

August 18, 2009

## VIA E-MAIL & OVERNIGHT DELIVERY

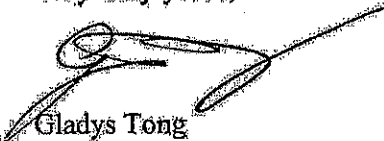
Craig W. Clark, Esq.  
White & Case LLP  
3000 El Camino Real  
5 Palo Alto Square, 9<sup>th</sup> Floor  
Palo Alto, CA 94306

**Re: *Leader Technologies, Inc. v. Facebook, Inc.***  
**Civil Action No. 1:08-cv-00862-JJF**

Dear Craig:

Enclosed please find a DVD containing Leader Technologies, Inc.'s document production bearing bates numbers LTI134199 through LTI145927. Please note that some of these documents have been designated "Confidential" or "Highly Confidential - Attorneys' Eyes Only" pursuant to the Stipulated Protective Order.

Very truly yours,



Gladys Tong

Enclosures (via overnight delivery)

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

**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on August 28, 2009, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

**BY CM-ECF, E-MAIL AND FIRST CLASS MAIL**

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Steven L. Caponi, Esq.  
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[caponi@blankrome.com](mailto:caponi@blankrome.com)

I hereby certify that on August 28, 2009 I have sent by E-mail and first class mail the foregoing document to the following non-registered participants:

Heidi L. Keefe, Esq.  
Mark R. Weinstein, Esq.  
Craig W. Clark, Esq.  
Melissa H. Keyes, Esq.  
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/s/ Philip A. Rovner \_\_\_\_\_  
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