

# EXHIBIT A

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

**EXHIBIT B**

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

# **EXHIBIT C**

**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

OF COUNSEL:

Paul J. Andre  
Lisa Kobialka  
KING & SPALDING LLP  
333 Twin Dolphin Drive  
Suite 400  
Redwood Shores, CA 94065  
(650) 590-0700

By:   
Philip A. Rover (#3215)  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
provner@potteranderson.com

Dated: October 15, 2009  
937754

*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

Thomas P. Preston, Esq.  
Steven L. Caponi, Esq.  
Blank Rome LLP  
1201 Market Street  
Wilmington, DE 19801  
[Preston-T@blankrome.com](mailto:Preston-T@blankrome.com)  
[caponi@blankrome.com](mailto:caponi@blankrome.com)

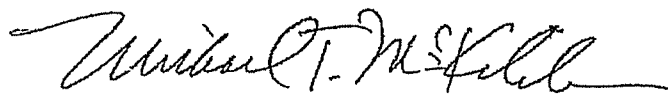
Heidi L. Keefe, Esq.  
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[provner@potteranderson.com](mailto:provner@potteranderson.com)

**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  
Michael T. McKibben



# **EXHIBIT D-1**

# KING & SPALDING

King & Spalding LLP  
333 Twin Dolphin Drive  
Suite 400  
Redwood Shores, CA 94065  
Tel: (650) 590-0700  
Fax: (650) 590-1900  
www.kslaw.com

VIA UPS OVERNIGHT AND E-MAIL

Meghan Wharton  
Direct Dial: (650) 590-0729  
Direct Fax: (650) 590-1900  
MWharton@kslaw.com

April 14, 2009

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:

Enclosed please find a CD containing documents produced by Leader Technologies, Inc. in Civil Action No. 1:08-cv-00862-JJF bearing Bates Nos. LTI 000913 to 074166.

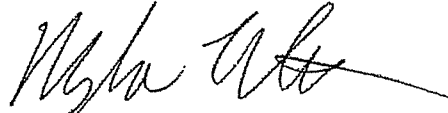
Pursuant to Delaware L.R. 26.2, Facebook is required to limit the disclosure of all documents produced by Leader at this time to "members and employees" of trial counsel. These documents are produced and designated in accordance with the confidentiality provisions established in the [Proposed] Stipulated Protective Order transmitted by counsel for Leader to counsel for Facebook on April 8, 2009. These confidentiality of these documents will be governed by the Stipulated Protective Order at such time that it is entered by the Court.

Contrary to some of your recent correspondence, Leader has never purported to withhold documents until such time that the Court enters the Protective Order. As we informed you during our last call, this was an assumption Facebook made but never discussed with Leader. Because Leader's production contains a substantial number of documents, Leader chose to produce the documents once it was certain the parties were close to finalizing the Protective Order and the parties had reached agreement as to the confidentiality designations to be affixed to documents under the Protective Order. Leader did not want to make such a large production only to have to re-produce the documents with different confidentiality designations in the future. Such re-production would have forced Leader to ensure that Facebook destroyed and/or returned all previously produced electronic and paper versions of the documents and would clearly have been a waste of the parties' resources. As the parties have no agreed to the exact

Craig W. Clark  
April 14, 2009  
Page 2

form of the confidentiality designations to be affixed to documents produced in this matter,  
Leader makes the production enclosed herein.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meghan Wharton", with a long horizontal flourish extending to the right.

Meghan Wharton

MW:ks  
Enclosure

# **EXHIBIT D-2**

# KING & SPALDING

King & Spalding LLP  
333 Twin Dolphin Drive  
Suite 400  
Redwood Shores, CA 94065  
Tel: (650) 590-0700  
Fax: (650) 590-1900  
www.kslaw.com

Gladys Tong  
Direct Dial: 650-590-1910  
Direct Fax: 650-590-1900  
gtong@kslaw.com

August 3, 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 2 DVDs containing Leader Technologies, Inc.'s document production bearing bates numbers LTI074167 through LTI134198. 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)

# **EXHIBIT D-3**

# KING & SPALDING

King & Spalding LLP  
333 Twin Dolphin Drive  
Suite 400  
Redwood Shores, CA 94065  
Tel: (650) 590-0700  
Fax: (650) 590-1900  
www.kslaw.com

Gladys Tong  
Direct Dial: 650-590-1910  
Direct Fax: 650-590-1900  
gtong@kslaw.com

August 18, 2009

## VIA E-MAIL & OVERNIGHT DELIVERY

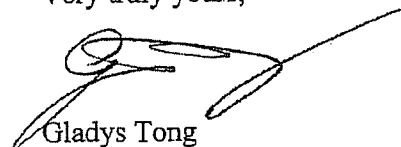
Craig W. Clark, Esq.  
White & Case LLP  
3000 El Camino Real  
5 Palo Alto Square, 9<sup>th</sup> Floor  
Palo Alto, CA 94306

**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)

**EXHIBIT E**



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

**EXHIBIT F**

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

LEADER TECHNOLOGIES, INC., a Delaware  
corporation,

Plaintiff and Counterdefendant,

v.

FACEBOOK, INC., a Delaware corporation,

Defendant and Counterclaimant.

)  
) **CIVIL ACTION**

)  
) **No. 1:08-cv-00862-JJF**

) **FACEBOOK, INC.'S SIXTH SET OF**  
) **INTERROGATORIES TO LEADER**  
) **TECHNOLOGIES, INC.**

PROPOUNDING PARTY: FACEBOOK, INC.

RESPONDING PARTY: LEADER TECHNOLOGIES, INC.

SET NUMBER: SIX (6)

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendant and counterclaimant FACEBOOK, INC. ("Facebook") hereby request that plaintiff and counterdefendant LEADER TECHNOLOGIES, INC. ("LTI") answer the following interrogatories separately, fully, and under oath within thirty (30) days of service. Plaintiff is subject to a duty to supplement all responses to these interrogatories in accordance with Federal Rule of Civil Procedure 26(e).

**DEFINITIONS**

A. "Document" shall have the broadest meaning ascribed to it by Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001 and includes, without limiting the generality of the foregoing, the original and all copies, drafts, and translations of any document in any written, recorded, or graphic form, including film, video, computer data and programs, memoranda and notes of oral conversations, as well as compilations, catalogs and summaries of information or data, whether typed, handwritten, printed, recorded, or otherwise produced or

reproduced, and any other retrievable data (whether email, discs, tapes, cards, or coded electrostatically, electromagnetically, optically or otherwise). "Document" also means any nonidentical copy thereof and all associated metadata about the creation, modification and storage of the document. Designated documents are to be taken as including all attachments, exhibits, enclosures, appendices and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the word "documents" shall not be taken to limit the generality of this word, and the requests herein are directed and intended to obtain all "documents" in the broadest and most comprehensive sense and meaning of this word.

B. "Communication" means any contact, oral or documentary, formal or informal, at any place or under any circumstances whatsoever whereby information of any nature is transmitted or transferred, including, without limitation, a single person seeing or hearing any information by any means.

C. "Any" shall be understood to include and encompass "all," and "each" shall be understood to include and encompass "every."

D. The singular shall always include the plural and the present tense shall also include the past tense.

E. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request all documents or things that might otherwise be construed to be outside its scope.

F. "Person" and "persons" mean both natural persons and legal entities, including, without limitation, corporations, companies, firms, partnerships, joint ventures, proprietorships, associations, and governmental bodies or agencies. Unless noted otherwise, references to and person, entity or party herein include its, his or her agents, attorneys, employees, employers, officers, directors, or others acting on behalf of said person, entity, or party.

G. "Relate" or "refer" or any variants thereof, when used in connection with any document, shall be understood to apply if the document directly or indirectly evidences,

mentions, discusses, constitutes, concerns, supports, contradicts, refers to, or in any other way deals with the subject matter described in the request in which the term appears.

H. "LTI," "Plaintiff" and "you" shall be understood to mean Leader Technologies, Inc., its directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees, investigators, attorneys, and all other persons and entities representing it or acting on its behalf.

I. "Facebook" means Facebook, Inc.

J. "Action" shall be understood to mean Leader Technologies, Inc. v. Facebook, Inc., Civil Action No. 1:08-cv-00862-JJF, filed on November 19, 2008 in the United States District Court for the District of Delaware.

K. "Leader2Leader" shall be understood to mean the LTI product and/or service identified as "Leader2Leader® powered by Digital Leaderboard®."

L. "Patent-in-suit" or "761 patent" means United States Patent No. 7,139,761.

### **INSTRUCTIONS**

1. To "identify" a person or entity means to state the person's or entity's name and last known residential and/or business addresses and telephone numbers and to provide the facts or documents about which you believe that person has knowledge.

2. To "identify" an event, discussion, inquiry or request means to state (1) the date that any of the foregoing occurred, (2) the individuals involved, (3) the location where the event, discussion, inquiry or request occurred, and (4) the outcome thereof.

3. To "identify" a document means:

a. to refer to the document's identification or exhibit number if the document has previously been, or is concurrently being, produced or used in discovery, or to attach a true copy of the document to the interrogatory answers, and to state the document's title and date, or if unknown, the approximate date of creation;

b. provide the identity of each person who signed or participated in the preparation of the document;

c. provide the identity of each person who is an addressee, including those to whom copies were to be sent, or who received a copy of the document;

d. provide a summary of the subject matter of the document;

e. provide the present location of the document and the identity of the custodian of the original and each copy thereof; and

f. if the document no longer exists, give the date on which it was destroyed, the identity of the person who destroyed it, and the person under whose authority it was destroyed.

4. In answering the following interrogatories, you are required to provide all information that is available to you or within your control, including information in the possession of your attorneys, investigators, employees, agents, representatives, and guardians or any other person acting on your behalf, and not merely information from your own personal knowledge.

5. If you cannot answer any interrogatory in full, answer to the extent you are able to do so, state the reason for your inability to answer further, and state the knowledge or information available to you concerning the unanswered portion.

6. If you object to any of the interrogatories, you must state the grounds for any objection(s). If you object to only part of an interrogatory, you must state the objection and the grounds for any objection(s) and respond to the remainder of the interrogatory.

7. Each answer should be preceded by a reiteration of the full interrogatory to which it responds.

8. For each interrogatory, identify all persons who provided information or otherwise assisted in preparing your response.

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## INTERROGATORIES

22. Identify all documents created since December 10, 2002 reflecting any analysis, assessment or conclusions relating to the '761 patent. You may exclude any documents prepared by litigation counsel for LTI from your response.

23. For each document identified in response to Interrogatory No. 22, identify each person to whom such document was provided, delivered, shown or described (collectively, "delivery") and the circumstances of such delivery, including, but not limited to, the date the document was delivered, the purpose(s) of such delivery, and the details of any response to such delivery (including the identification of any documents provided in response).

24. For each person with whom LTI, Michael McKibben and/or anyone acting on LTI's or Mr. McKibben's behalf communicated regarding funding for litigation involving the '761 patent, identify each communication and describe with particularity the circumstances of such communication including, but not limited to, the substance of the communication, all document(s) provided during the course of such communication(s) (including the identity of any documents identified in response to Interrogatory No. 22), the details of any response to such communication (including the identification of any documents provided in response), and whether or not funding was provided and the reason for such decision.

25. Identify all documents upon which LTI bases its assertion, if any, that it had and/or has a reasonable belief that Leader2Leader was properly marked, including any analyses of the '761 patent or Leader2Leader.

26. For each document identified in response to Interrogatory No. 25, identify each person to whom such document was provided and the circumstances of such delivery, including, but not limited to, the date the document was delivered and the purpose(s) of such delivery.

27. For each prior art reference identified in the Request for *Ex Parte* Reexamination of U.S. Patent No. 7,139,761 filed on July 2, 2009, if you contend the prior art reference fails to disclose any element(s) of any asserted claim of the '761 patent, identify with particularity all allegedly missing element(s) and explain in detail the complete factual basis for your contention that the prior art reference allegedly fails to disclose those element(s).

28. For each prior art reference identified in Facebook, Inc.'s Objections and Responses to Plaintiff Leader Technologies, Inc.'s Fourth Set of Interrogatories, if you contend the prior art reference fails to disclose any element(s) of any asserted claim of the '761 patent, identify with particularity all allegedly missing element(s) and explain in detail the complete factual basis for your contention that the prior art reference allegedly fails to disclose those element(s).

29. Identify all facts and evidence supporting your contention, if any, that the asserted claims of '761 patent are non-obvious due to secondary considerations of non-obviousness, including the complete factual basis for such contention and all documents, witnesses and evidence supporting such contention.

30. Identify with particularity the person having ordinary skill in the art for purposes of the '761 patent, including but not limited to the education, training and experience of such a person.

31. For any element of any asserted claim of '761 patent that you contend is not literally present or literally practiced by any accused Facebook system or method but is allegedly present or practiced under the doctrine of equivalents, identify such element and state all facts supporting such contention.



32. For each Request for Admission in Facebook's Second Set of Requests for Admission (21-25) that LTI has denied or otherwise not admitted, describe in detail each and every basis for the denial or response.

33. Describe in detail the search methodology used by LTI in preparing documents for production in this Action, including all sources of documents searched, all search terms used, and the identity of the persons who were and are the custodians of documents for each source of documents.

34. Describe in detail LTI's marketing plans or programs, including but not limited to how LTI markets its products and services to anyone.

35. Describe in detail any investments made in LTI, Leader2Leader or the '761 patent by third parties, including the date of the investment, the type of the investment, the amount of the investment, identity of the third party, and any agreement made with the third party for the investment.

Dated: October 21, 2009

By: 

Heidi L. Keefe (*pro hac vice*)  
Mark R. Weinstein (*pro hac vice*)  
Jeffrey Norberg (*pro hac vice*)  
Melissa H. Keyes (*pro hac vice*)  
**COOLEY GODWARD KRONISH LLP**  
3000 El Camino Real  
5 Palo Alto Square  
Palo Alto, CA 94306

*Counsel for Defendant and  
Counterclaimant Facebook, Inc.*

**CERTIFICATE OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

I am employed in the County of Santa Clara, State of California: I am over the age of 18 and not a party to the within action. My business address is 3000 El Camino Real, Five Palo Alto Square, Palo Alto, CA 94306.

On October 21, 2009, I served the following documents:

**FACEBOOK, INC.'S SIXTH SET OF INTERROGATORIES TO LEADER TECHNOLOGIES, INC.**

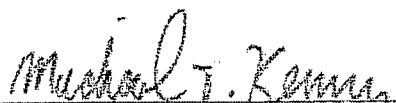
on the interested parties in this action by placing true and correct copies thereof enclosed in a sealed envelope addressed as follows (or as otherwise noted):

<u>BY PERSONAL SERVICE:</u>	<u>BY MAIL:</u>
Paul J. Andre, Esq. Lisa Kobialka, Esq. James Hannah, Esq. King & Spalding 333 Twin Dolphin Drive, Suite 400 Redwood Shores, CA 94065  pandre@kslaw.com lkobialka@kslaw.com jhannah@kslaw.com	Philip A. Rovner, Esq. Potter Anderson & Corroon LLP P.O. Box 951 Wilmington, DE 19899-0951  provner@potteranderson.com

**[XX] BY PERSONAL SERVICE:** I caused the above-mentioned document to be personally served on the offices of the addressee(s) as indicated above.

**[XX] BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Palo Alto, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this Court at whose directions the service was made. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 21, 2009 at Palo Alto, California.

  
Michael Kenny