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December 1, 2009

VIA ECF FILING AND HAND DELIVERY

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

Re: Leader Technologies, Inc. v. Facebook, Inc., Civ. No. 08-862-JJF-LPS

Dear Judge Farnan:

Facebook writes to respectfully request a brief status conference with Your Honor to discuss case management issues which will directly affect the claim construction process. The opening claim construction brief is presently scheduled to be filed by December 9, 2009, and the claim construction hearing is scheduled to take place on January 20, 2010.

Yesterday Facebook approached Judge Stark with the issue of reducing the case to representative claims for claim construction and discovery (among other issues). Judge Stark suggested that we contact Your Honor for a brief conference to discuss this issue.

On March 3, 2009, at the first case management hearing in this matter, Your Honor indicated this case would be limited to representative claims prior to claim construction (Tr. pp. 18-19 attached). At present, LTI is asserting 27 claims, all of which contain terms that must be construed.

Facebook has proposed that LTI choose two independent claims and two dependent claims from each for a total of six representative claims. LTI disagrees with Facebook's reading of the Court's comments and has instead proposed that the parties select representative claim terms for construction from among LTI's 27 asserted claims. Facebook believes that LTI's proposal is inconsistent with this Court's statements at the March 3, 2009 hearing and would

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require the parties and the Court to construe terms from claims that may never be asserted at trial.

We asked LTI to join us in this letter, but LTI declined. We believe that the parties and the Court will benefit from resolving this issue before the parties begin the claim construction briefing process eight days from now. Therefore, we request a brief status conference with Your Honor to address the questions raised above.

Respectfully submitted,

/s/ Steven L. Caponi

Steven L. Caponi (I.D. No. 3484)

Attachment

cc: Clerk, District Court – via e-filing
Philip A. Rovner, Esquire – via e-service
Paul J. Andre, Esquire – via e-service
Lisa Kobialka, Esquire – via e-service
James Hannah, Esquire – via e-service