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December 4, 2009

BY E-FILE

The Honorable Joseph J. Farnan, Jr.
U.S. District Court for the District of Delaware
U.S. Courthouse
844 North King Street
Wilmington, DE 19801

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

Dear Judge Farnan:

We write in response to Your Honor's oral order of yesterday which included a request for a proposal regarding claim construction. At this point, the parties have already set a claim construction briefing schedule and exchanged proposed terms and constructions. Furthermore, Leader has already begun drafting its opening claim construction brief which is due on December 10, 2009. Therefore, Leader believes that no Court intervention is necessary and that the parties should continue to abide by the previously agreed briefing schedule.

Facebook's December 1, 2009 letter is not entirely accurate. During numerous meet and confers between the parties, Leader was more than willing to select representative claims or limit the number of terms for claim construction. In fact, Leader repeatedly suggested that the parties limit the amount of claim terms to 10. Facebook did not agree to select representative claims or limit the amount of claim terms, but rather demanded that Leader reduce the number of claims that it would assert at trial.

Leader would suffer extreme prejudice if forced to limit the number of asserted claims at this stage in the case. During written discovery, Facebook asserted 96 prior art references. Requiring Leader to reduce the number of asserted claims unfairly benefits Facebook's quest to invalidate the '761 Patent, especially since Leader has provided substantial proof that Facebook infringes all asserted claims.

Moreover, Facebook has only produced 398 pages of technical documents in this case. Accordingly, the vast majority of technical information will come from the depositions of Facebook's engineers which will likely not occur until after the claim construction briefing

The Honorable Joseph J. Farnan, Jr.

December 4, 2009

Page 2

process. Thus, Leader would be forced to reduce the number of asserted claims without having complete knowledge of the technical information in this case.

Accordingly, Leader proposes that the parties continue with the claim construction briefing schedule as determined through the parties meet and confer efforts. In the alternative, Leader proposes that the number of claim terms for construction be limited to 10 because a large majority of the terms are exceptionally straight forward and do not require construction.

Respectfully,

/s/ Philip A. Rovner

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