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December 4, 2009

BY HAND & ELECTRONIC FILING

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

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

Dear Judge Farnan:

We write in response to your Order of December 3, 2009 requiring the parties to either agree to a set of representative claims or, in the alternative, to submit proposals regarding representative claims for this case. Unfortunately, despite Facebook's efforts to reach an agreed representative set of claims, LTI refused to identify even a single claim.

After receiving your Order, Facebook contacted LTI four times (two emails and two phone calls) suggesting that the set of representative claims include two independent claims, with two dependent claims from each selected independent claim. Since LTI is the Plaintiff, who carries the burden of proving infringement, Facebook asked LTI to select the representative claims and send its list to Facebook for review before today's deadline in the hopes of reaching agreement. Despite our requests, LTI did not provide any proposal to Facebook. We are mystified by this refusal because LTI has apparently identified representative claims that it will share with the Court, but not with Facebook. (See attached email chain.)

Facebook, therefore, urges the Court to limit this case to claims **1**, 4, 5, **9**, 10 and 12 (two independent claims bolded, each with two dependent claims). To date LTI has asserted 27 claims, including five independent claims, each being lengthy, complex and containing numerous claim terms that are distinct from each other. Facebook's proposal will streamline this case by reducing the number of claim terms that will need to be construed, and narrowing the issues that will need to be addressed through pre-trial and trial.

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We appreciate your Honor's attention.

Respectfully submitted,

/s/ Steven L. Caponi

Steven L. Caponi
I.D. No. 3484

SLC:pfc
Enclosure

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