

**Clark, Patti**

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**From:** Hannah, James [jhannah@KSLAW.com]  
**Sent:** Thursday, December 03, 2009 9:17 PM  
**To:** Keefe, Heidi; Andre, Paul  
**Cc:** Caponi, Steven L.; 'Stackel, Mary Ellen'; Weinstein, Mark; Clark, Patti; Norberg, Jeffrey; Preston, Thomas; 'Rovner, Philip A.'; Kobialka, Lisa; Kastens, Kristopher; Keyes, Melissa  
**Subject:** RE: Farnan Order 12/3

Heidi,

We disagree with your characterizations. Accordingly, we will file our proposal with the Court tomorrow.

James

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**From:** Keefe, Heidi [mailto:hkeefe@cooley.com]  
**Sent:** Thursday, December 03, 2009 3:40 PM  
**To:** Hannah, James; Andre, Paul  
**Cc:** 'Steven Caponi'; 'Stackel, Mary Ellen'; Weinstein, Mark; 'Patti Clark'; Norberg, Jeffrey; 'Thomas Preston'; 'Rovner, Philip A.'; Kobialka, Lisa; Kastens, Kristopher; Keyes, Melissa  
**Subject:** RE: Farnan Order 12/3

James and Paul:

We think Judge Farnan's order is very clear and asks us to try to come to an agreed representative set of claims. He does not put a limitation on it in any way, and does not allow for a reservation of rights.

Again, we propose 2 independent and 4 dependent claims (for a total of 6) as being more than sufficient for the case, and should allow us to greatly reduce the number of terms which require construction.

Since you are the plaintiff, please tell us which claims you are choosing to see if we can at least agree on this portion of what the judge asked us to do. As we have to respond to the Court by 9am California time tomorrow morning, please let us know your selections no later than 6pm tonight. We will then review and get back to you as soon as possible.

Heidi

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**From:** Hannah, James [mailto:jhannah@KSLAW.com]  
**Sent:** Thursday, December 03, 2009 3:06 PM  
**To:** Keefe, Heidi; Andre, Paul  
**Cc:** 'Steven Caponi'; 'Stackel, Mary Ellen'; Weinstein, Mark; 'Patti Clark'; Norberg, Jeffrey; 'Thomas Preston'; 'Rovner, Philip A.'; Kobialka, Lisa; Kastens, Kristopher; Keyes, Melissa  
**Subject:** RE: Farnan Order 12/3

Heidi,

Paul is out of the office and ask me to respond on his behalf. I also spoke with Jeff about this issue a few moments ago. To reiterate, Leader's position has not changed. Leader is willing to select a set of representative claims for claim construction. Leader is also willing to limit the amount of claim terms to a reasonable number, such as 10 terms. However, Leader is not willing to limit the number of asserted claims for trial at this time.

Please let me know if you have any questions.

James

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**From:** Keefe, Heidi [mailto:hkeefe@cooley.com]  
**Sent:** Thursday, December 03, 2009 2:26 PM  
**To:** Andre, Paul; Hannah, James  
**Cc:** 'Steven Caponi'; 'Stackel, Mary Ellen'; Weinstein, Mark; 'Patti Clark'; Norberg, Jeffrey; 'Thomas Preston'; 'Rovner, Philip A.'; Kobialka, Lisa; Kastens, Kristopher; Keyes, Melissa  
**Subject:** Farnan Order 12/3

Dear Paul:

As you are no doubt aware, this morning Judge Farnan ordered the parties to agree to a set of representative claims, or if we can't agree, to submit our proposals by tomorrow morning.

We think it would be in the interests of both parties to come to an agreement on representative claims so as to avoid further court involvement on this issue. Accordingly, as we have done before, Facebook proposes that LTI select two independent claims, and four dependent claims (i.e., two from each independent claim), from the '761 patent. We believe this number will greatly streamline the claim construction and other remaining proceedings in this case.

Please call me this afternoon so we can discuss before tomorrow's deadline.

Heidi

**Heidi Keefe**

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