

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

LEADER TECHNOLOGIES, INC., a Delaware corporation,)	
)	
Plaintiff-Counterdefendant,)	Civil Action No. 08-862-JJF/LPS
)	
v.)	
)	
FACEBOOK, INC., a Delaware corporation,)	
)	
Defendant-Counterclaimant.)	

DECLARATION OF GIOVANNI VIGNA IN SUPPORT OF PLAINTIFF LEADER TECHNOLOGIES, INC.'S OPENING CLAIM CONSTRUCTION BRIEF

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*Attorneys for Plaintiff
Leader Technologies, Inc.*

Dated: December 10, 2009

I, Giovanni Vigna, hereby declare:

1. I am a Professor of Computer Science at the University of California, Santa Barbara and an expert in the field of computer science. I have a Ph.D. in Electronic Engineering from Politecnico di Milano, Italy. I have been hired by Plaintiff Leader Technologies, Inc. (“Leader”). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts.

2. In my opinion, the appropriate standard for one of ordinary skill in the art with regard to the U.S. Patent No. 7,139,761 (“‘761 Patent”) is someone who holds a bachelors degree in computer science, computer engineering, electrical engineering, or the like. Alternatively, if formal education was lacking, one of skill in the art could be someone who had several years of experience in the computer industry.

3. Generally, the claims of the ‘761 Patent are clear and straight forward. Most of the terminology used in the claims is used in the same manner as it is used in everyday language and is not unique to the computer industry. For the terms that are unique to the computer industry, the terms are readily understood by anyone who has a rudimentary understanding of computer science.

4. Defendant Facebook, Inc.’s (“Facebook”) proposed terms and constructions are very difficult to understand. For most of Facebook’s terms, I was surprised to see that a construction was proposed because the term was straightforward and easily understood, especially to one of ordinary skill in the art. I also had a difficult time understanding the claims using Facebook’s proposed constructions.

5. The terms “accesses” and “accessed” have no special meaning in computer science outside of their normal everyday use. However, the terms are used in computer science, and those of ordinary skill in the art would understand them to have their plain ordinary meaning. These terms are used in the claims in a manner which is consistent with their ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “accesses [the data]” and “[the data is] accessed” should be interpreted to mean “retrieves

information in the second context as distinct from uploading, adding or creating it” and “the information is retrieved in the second user environment, as distinct from uploading, adding or creating it,” respectively. These proposed constructions of “accesses” and “accessed” are contrary to how a person of ordinary skill in the art would understand these terms. One of ordinary skill in the art would not interpret “accesses [the data]” and “[the data is] accessed” in such a limited manner, such as referring to “the second context” or referring to “the second user environment.” Also, they would not understand these terms to exclude uploading, adding or creating.

6. The term “application(s)” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “application(s)” should be interpreted to mean “a computer program designed to accomplish a specific task.” This proposed construction of “application(s)” is contrary to how a person of ordinary skill in the art would understand this term. For example, they would not limit their understanding of the term “application(s)” to accomplishing a specific task or being designed to accomplish a specific task.

7. The term “arrangements” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “arrangements” should be interpreted to mean “a specifically-ordered set of items.” This proposed construction of “arrangements” is contrary to how those of ordinary skill in the art would understand these terms because they would not limit their interpretation to a specifically-ordered set of items.

8. The terms “associated,” “association,” and “associating” have no special meaning in computer science outside of their normal everyday use. However, the terms are used in computer science, and those of ordinary skill in the art would understand them to have their

plain ordinary meaning. These terms are used in the claims in a manner which is consistent with their ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “associated,” “association,” and “associating” should be interpreted to mean “linked, or linking.” This proposed construction of “associated,” “association,” and “associating” is contrary to how those of ordinary skill in the art would understand the terms, as it is much narrower than the plain meaning of the term to a person of ordinary skill in the art.

9. The term “based on the change” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “based on the change” should be interpreted to mean “in response to the user’s movements from the first context to the second context.” This proposed construction of “based on the change” is contrary to how those of ordinary skill in the art would understand the term because they would not understand this term to require that the change be based on “the user’s movements from the first context to the second context.”

10. The term “capturing” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “capturing” should be interpreted to mean “obtaining.” This proposed construction of “capturing” is contrary to how those of ordinary skill in the art would understand the term.

11. The term “change in access of the user” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a

person of ordinary skill in the art. Facebook has proposed that “change in access of the user” should be interpreted to mean “movement of a user from the first workspace to the second workspace to facilitate access in the second workspace.” This proposed construction of “change in access of the user” is contrary to how those of ordinary skill in the art would understand the term, as Facebook’s interpretation is much narrower, going beyond the plain meaning of the term, such as limiting the interpretation to “movement of a user,” and including the concepts of “the first workspace,” “the second workspace” and “to facilitate access in the second workspace.”

12. The term “change information” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “change information” should be interpreted to mean “data that records the movement of a user from one user workspace to another.” This proposed construction of “change information” is contrary to how those of ordinary skill in the art would understand the term because Facebook’s interpretation is much narrower, including limiting the term to a specific type of change information.

13. Facebook has proposed that “context” should be interpreted to mean “collection of interrelated webs.” This proposed construction of “context” is contrary to how those of ordinary skill in the art would understand the term, as they would not interpret this term to be limited to a collection of interrelated webs.

14. Facebook has proposed that “context information” should be interpreted to mean “data that identifies at least a specific context.” This proposed construction of “context information” is contrary to how those of ordinary skill in the art would understand the term, as they would not interpret this term to have such a limited meaning, particularly limited to identifying a specific context.

15. The terms “created” and “create” have no special meaning in computer science outside of their normal everyday use. However, the terms are used in computer science, and

those of ordinary skill in the art would understand them to have their plain ordinary meaning. These terms are used in the claims in a manner which is consistent with their ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “created” and “create” should be interpreted to mean “brought/to bring into existence.” This proposed construction of “created” and “create” is contrary to how those of ordinary skilled in the art would understand the terms.

16. The term “dynamically” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “dynamically” should be interpreted to mean “automatically and in response to the preceding event.” This proposed construction of “dynamically” is contrary to how those of ordinary skill in the art would understand the term, at least for the reason that they would not understand the term to as including the concept of “in response to a preceding event.”

17. The term “employs” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “employs,” “employs [at least one of] [the application and data]” and “employs [the application and data]” should be interpreted to mean “uses something already available (as distinct from uploading, adding or creating),” “uses at least one of the application and data that is already in the second user environment, as distinct from uploading, adding or creating them” and “uses the application and data that is already in the second user environment, as distinct from uploading, adding or creating them,” respectively. These proposed constructions of “employs” are contrary to how those of ordinary skill in the art would understand the terms, because it is very narrow. They, by way of example, would not understand these terms to exclude uploading, adding or creating.

18. The term “environment” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “environment” should be interpreted to mean “collection of interrelated contexts.” This proposed construction of “environment” is contrary to how those of ordinary skill in the art would understand the term because they would not understand the term to be limited to a “collection of interrelated contexts.”

19. The term “file storage pointers” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “file storage pointers” should be interpreted to mean “information that identifies the specific folders in which specific files are located.” This proposed construction of “file storage pointers” is contrary to how those of ordinary skill in the art would understand the term. One of ordinary skill in the art would not understand the term to be limited to identifying specific folder and specific files.

20. The term “generating” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “generating” should be interpreted to mean “creating.” This proposed construction of “generating” is contrary to how those of ordinary skill in the art would understand the term.

21. The term “in response to which” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “in response to which” should be

interpreted to mean “causing.” This proposed construction of “in response to which” is contrary to how those of ordinary skill in the art would understand the term.

22. The term “indexing” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “indexing” should be interpreted to mean “the creation and use of a list or table that contains reference information pointing to stored data.” This proposed construction of “indexing” is contrary to how those of ordinary skill in the art would understand the term. By way of example, one of ordinary skill would not understand the term indexing to include the concept of the use of a specific data structure such as a list or table.

23. The term “interrelated” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “interrelated” should be interpreted to mean “related to each other.” This proposed construction of “interrelated” is contrary to how those of ordinary skill in the art would understand the term.

24. The term “interrelationship” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “interrelationship” should be interpreted to mean “defining a parent-child relationship between two or more workspaces.” This proposed construction of “interrelationship” is contrary to how those of ordinary skill in the art would understand the term. For example, one of ordinary skill in the art would not understand the term interrelationship to be limited to “parent-child relationship” and that it is “between two or more workspaces.”

25. The terms “locating” and “locate” have no special meaning in computer science outside of their normal everyday use. However, the terms are used in computer science, and those of ordinary skill in the art would understand them to have their plain ordinary meaning. These terms are used in the claims in a manner which is consistent with their ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “locating” and “locate” should be interpreted to mean “finding/find.” This proposed construction of “locating” and “locate” is contrary to how those of ordinary skill in the art would understand the terms.

26. The term “metadata” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “metadata” should be interpreted to mean “a stored item of information associated with a user’s data that identifies at least the context, user workspace or user environment in which the user and the data currently reside.” This proposed construction of “metadata” is contrary to how those of ordinary skill in the art would understand the term. By way of example, they would not require that metadata be narrowed to only identifying “at least the context, use workspace or user environment in which the user and the data currently reside.” Metadata is a broad term for a type of data and generally refers to “data about data.”

27. Facebook has proposed that “ordering” should be interpreted to mean “placing into a fixed sequence.” This proposed construction of “ordering” is contrary to how those of ordinary skill in the art would understand the term because they would not require items to be placed in a fixed sequence.

28. Facebook has proposed that “ordering information” should be interpreted to mean “data that specifies a particular path or route by which user environments must be traversed.” This proposed construction of “ordering information” is contrary to how those of ordinary skill in the art would understand the term. This is true at least for the reason that they would not limit the term to requiring “user environments.”

29. The term “portable wireless device” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “portable wireless device” should be interpreted to mean “device that can communicate with a computer network over a wireless communications medium.” This proposed construction of “portable wireless device” is contrary to how those of ordinary skill in the art would understand the term because the term does not include the concept that it must communicate with a computer network.

30. The term “relational storage methodology” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “relational storage methodology” should be interpreted to mean “storing items in a database based on their relationships to each other.” This proposed construction of “relational storage methodology” is contrary to how those of ordinary skill in the art would understand the term. By way of example, a person of ordinary skill in the art would recognize that relational storage methodology relates to how the data is represented, and not how the data is actually physically stored in the database.

31. The term “relationship” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “relationship” should be interpreted to mean “information defining a connection between two or more things.” This proposed construction of “relationship” is contrary to how those of ordinary skill in the art would understand the term. By way of example, the term relationship would not be understood to require defining the connection between things.

32. The term “remote location” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “remote location” should be interpreted to mean “a place different from the web-based computing platform.” This proposed construction of “remote location” is contrary to how those of ordinary skill in the art would understand the term, because, among other things, a remote location refers to how something is connected to a network or computer, not the physical location of something.

33. The term “search and association criteria” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art.

34. Facebook has proposed that “storage component” should be interpreted to mean “memory.” This proposed construction of “storage component” is contrary to how a person of ordinary skill in the art would understand the term. A person of ordinary skill in the art would understand that the term storage component is not just limited to mean “memory.”

35. The term “tagged” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “tagged” should be interpreted to mean “attached.” This proposed construction of “tagged” is contrary to how those of ordinary skill in the art would understand the term. By way of example, attached implies that the items are somehow physically connected, which is nonsensical in the context of a computer environment.

36. Facebook has proposed that “traversing” should be interpreted to mean “navigation by the user according to a specific path or route.” This proposed construction of “traversing” is contrary to how a person of ordinary skill in the art would understand the term.

By way of example, a person of ordinary skill in the art would not understand this term to require or include the concept that a specific path or route be used.

37. The term “updating” has no special meaning in computer science outside of its normal everyday use. However, the term is used in computer science, and those of ordinary skill in the art would understand it to have its plain ordinary meaning. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “updating” should be interpreted to mean “modifying existing data to make it current.” This proposed construction of “updating” is contrary to how those of ordinary skill in the art would understand the term. By way of example, a person of ordinary skill in the art would understand that updating can be accomplished by adding new data, not just modifying existing data.

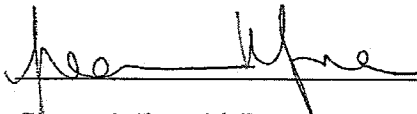
38. The term “user interaction” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “user interaction” should be interpreted to mean “user actions resulting in the creation of data.” This proposed construction of “user interaction” is contrary to how those of ordinary skill in the art would understand the term. By way of example, they would not understand “user interaction” to include the concept of the creation of data as a result of the user interactions.

39. The term “user-defined data” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “user-defined data” should be interpreted to mean “data created by user interaction of a user in a first context of the network-based system.” This proposed construction of “user-defined data” is contrary to how those of ordinary skill in the art would understand the term. A person of ordinary skill in the art would not understand the term to require that the data be created at a specific location or on a specific system.

40. The term “web” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person of ordinary skill in the art. Facebook has proposed that “web” should be interpreted to mean “collection of interrelated boards/workspaces.” This proposed construction of “web” is contrary to how those of ordinary skill in the art would understand the term. They would not understand the term to include the concept of requiring that boards or workspaces be used.

41. The term “workspace” is a term which has a known usage in the computer field and would be readily understood by a person of ordinary skill in the art. This term is used in the claims in a manner which is consistent with its ordinary meaning to a person ordinary of skill in the art. Facebook has proposed that “workspace” should be interpreted to mean “a collection of data and application functionality related to a user-defined topic.” This proposed construction of “workspace” is contrary to how those of ordinary skill in the art would understand the term. By way of example, a person of ordinary skill in the art would not narrowly interpret just the term “workspace” by itself, to also include the concept of a user-defined topic. A workspace does not require a topic. Even if a topic is present, it may be automatically created by the system or defined by an administrator, and therefore not be user-defined.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed this 9th day of December 2009, at Honolulu, Hawaii.



Giovanni Vigna, Ph.D.



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

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on December 10, 2009, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

BY CM-ECF, E-MAIL AND HAND DELIVERY

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