

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

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

**NOTICE OF DEPOSITION AND SUBPOENA DIRECTED TO  
DUSTIN MOSKOVITZ**

PLEASE TAKE NOTICE that, pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, Plaintiff Leader Technologies, Inc. (“Leader”) has serve the attached subpoena *ad testificandum* and *duces tecum* on Dustin Moskovitz (“Moskovitz”) in the form appended hereto. Leader will take the deposition of Moskovitz as set forth in this notice. The deposition will be taken on January 11, 2010 at 9:00 a.m., at King & Spalding LLP, 333 Twin Dolphin Dr., Suite 400, Redwood Shores, CA 94065, or at such other time and place as may be agreed to by the parties. The deposition will continue until completed as provided in the Federal Rules of Civil Procedure. The deposition will be recorded stenographically and/or by videotape. You are invited to attend and cross-examine.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Paul J. André  
Lisa Kobialka  
James Hannah  
King & Spalding, LLP  
333 Twin Dolphin Drive  
Suite 400  
Redwood Shores, California 94065-6109  
(650) 590-7100

Dated: December 30, 2009  
947943

By: /s/ Philip A. Rovner  
Philip A. Rovner (#3215)  
Hercules Plaza  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000  
[provner@potteranderson.com](mailto:provner@potteranderson.com)

*Attorneys for Plaintiff and Counterdefendant  
Leader Technologies, Inc.*

Issued by the  
UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

CALIFORNIA

LEADER TECHNOLOGIES, INC.

SUBPOENA IN A CIVIL CASE

V.

FACEBOOK, INC.

Case Number:<sup>1</sup> 08-862

DISTRICT OF DELAWARE

TO: DUSTIN MOSKOVITZ  
ASANA INC.  
3180 18th Street  
San Francisco, CA 94110

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	KING & SPALDING LLP 333 TWIN DOLPHIN DR. STE 400, REDWOOD SHORES, CA 94065	DATE AND TIME	1/11/2010 9:00 am
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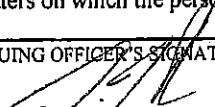
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):  
SEE ATTACHED SCHEDULE A

PLACE	KING & SPALDING LLP 333 TWIN DOLPHIN DR. STE 400, REDWOOD SHORES, CA 94065	DATE AND TIME	1/11/2010 9:00 am
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 (Attorney for Plaintiff)	12/29/2009

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
JAMES HANNAH, ESQ., KING & SPALDING, 333 TWIN DOLPHIN DR., STE 400, REDWOOD SHORES, CA 94065  
(650) 590 - 0726

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

## SCHEDULE A

### Definitions

1. The terms "Plaintiff" and "Leader" shall mean Plaintiff Leader Technologies, Inc., its present and former directors, officers, employees, parent organization(s), subsidiary organization(s), predecessors in interests, successors in interest, divisions, servants, agents, attorneys, consultants, partners, associates, investigators, representatives, accountants, financial advisors, distributors and any other person acting on its behalf, pursuant to its authority or subject to its control.
2. The terms "Facebook," "The Facebook", and "Defendant" shall mean Defendant Facebook, Inc. ("Facebook"), its present and former directors, officers, employees, parent organization(s), subsidiary organization(s), predecessors in interests, successors in interests, divisions, servants, agents, attorneys, consultants, partners, associates, investigators, representatives, accountants, financial advisors, distributors and any other person acting on its behalf, pursuant to its authority or subject to its control.
3. The terms "you," or "your," shall mean the deponent.
4. The terms "person(s)" and "entit(y, ies)" shall mean, without limitation, any natural person, or association, firm, partnership, corporation or any other form of legal entity, unless the context indicates otherwise.
5. The terms "'761 Patent" and "Patent-in-Suit" shall mean United States Patent No. 7,139,761 entitled "Dynamic Association of Electronically Stored Information with Iterative Workflow Changes," the application leading to this patent and any related patent application, including any WIPO, EPO or other foreign counterpart application or patents, any continuations, continuations in part, divisionals, reissues, reexaminations, extensions or parents thereof.

6. The term “document” shall mean all “writings” and “recordings” as those terms are defined in Fed. R. Civ. P. 34(a) and Fed. R. Evid. 1001 as well as any writing or recording of any type, whether written, printed, transcribed, recorded (mechanically or electronically) or reproduced by hand, including, but not limited to, all letters, correspondence, facsimiles, e-mail, telegrams, transcriptions and records of telephone conversations, memoranda, notes, records, reports, statements, minutes, communications, slide presentations, microfilm, microfiche, tape recordings, videotapes, photographs, studies, policy manuals and statements, books, plans, analyses, computer records, computer log files, runs, programs, software and any code(s) necessary to comprehend the same, test results, notebooks, diaries, agreements, contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, third party or joint development agreements, bills, statements and any other written, printed, typed, recorded or graphic matter, however produced or recorded, including copies and drafts of same, and any handwritten or typewritten notes of any kind thereon or attached thereto. The term “document” shall also include all technical documents, defined as source code, specifications, schematics, flow charts, artwork, drawing, pictures, pictorial representations, formulas, troubleshooting guides, service bulletins, technical bulletins, production specification sheets, white papers, operator manuals, operation manuals, instruction manuals and all other documents sufficient to show the operation of any aspects or elements of your products which includes all past and present releases, revisions, versions and upgrades.

7. The term “communication” shall mean every manner or method of disclosure, transfer or exchange of information, whether orally or by document, and whether face to face, by telephone, mail, e-mail, facsimile, personal delivery or through another medium, including, but

not limited to, discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes, statements or questions.

8. The terms “concerning” and “concern” mean constituting, relating to, mentioning, discussing, evidencing, involving, depicting, describing, listing, consisting of, forming the basis of, commenting on, supporting, analyzing, forwarding, demonstrating, referring to, connected with, relying upon or in any way related to the indicated person, entity, event, document or product.

9. The terms “relating to,” “relate to,” “refer to” and “referring to” mean referring to, alluding to, responding to, concerning, connected with, commenting on, in respect of, about, regarding, discussing, showing, identifying, describing, mentioning, reflecting, analyzing, comprising, constituting, evidencing, supporting, refuting, contradicting, memorializing, pertaining to, bearing upon or illuminating the subject matter into which inquiry is made.

10. The words “and” and “or” shall be construed conjunctively or disjunctively in a manner making the request inclusive rather than exclusive.

11. The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

12. The term “all” shall mean “any and all” and the term “any” shall mean “any and all.”

## **Types of Documents**

1. Any and all documents relating to your involvement in the development of Facebook.
2. Any and all documents relating to Mark Zuckerberg's involvement in the development Facebook.
3. Any and all documents relating to any business relationship between you and Mark Zuckerberg and/or Facebook.
4. Any and all communication between you and Mark Zuckerberg concerning the development of Facebook.
5. Any and all communication describing the Facebook source code and platform.
6. All source code relating to Facebook.
7. Any and all documents relating to the origins and/or development of Facebook.
8. Any and all documents relating to Leader, Michael McKibben, and/or the '761 patent.

<i>Attorney or Party without Attorney:</i> <b>KING &amp; SPALDING</b> 333 TWIN DOLPHIN DRIVE, SUITE 400 REDWOOD SHORES, CA 94065 Telephone No: 650-590-0700      FAX No: 650-590-1900				<i>For Court Use Only</i>	
<i>Attorney for: Plaintiff</i>			<i>Ref. No. or File No.:</i> <b>LEADER VS. FACEBOOK</b>		
<i>Insert name of Court, and Judicial District and Branch Court:</i> <b>United States District Court, Northern District Of California</b>					
<i>Plaintiff: LEADER TECHNOLOGIES, INC.</i>					
<i>Defendant: FACEBOOK, INC.</i>					
<b>PROOF OF SERVICE SUBPOENA IN A CIVIL</b>		<i>Hearing Date:</i> Mon, Jan. 11, 2010	<i>Time:</i> 9:00AM	<i>Dept/Div:</i>	<i>Case Number:</i> 08-862

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of the SUBPOENA IN A CIVIL CASE
- a. Party served: DUSTIN MOSKOVITZ, ASANA INC.
- Address where the party was served: 3180-18TH STREET  
SAN FRANCISCO, CA 94110
- I served the party:
  - by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue., Dec. 29, 2009 (2) at: 3:15PM
  - I received this subpoena for service on: Tuesday, December 29, 2009
- Witness fees were offered or demanded, and paid: \$64.75

7. Person Who Served Papers:

a. MELISSA MAJOR



1541 Bayshore Hwy.      GENERAL@AALEGALSERVICE.COM  
Burlingame, CA 94010-1602      Fax (650) 697-4640  
(650) 697-9431

*Recoverable Cost Per CCP 1033.5(a)(4)(B)*

d. *The Fee for Service was:*

e. I am: (3) registered California process server

- (i) Employee
- (ii) *Registration No.:*      390
- (iii) *County:*                 San Mateo
- (iv) *Expiration Date:*         Sun, Apr. 18, 2010

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Dec. 30, 2009

*Melissa Major*  
\_\_\_\_\_  
(MELISSA MAJOR)



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

**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on December 30, 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**

Thomas P. Preston, Esq.  
Steven L. Caponi, Esq.  
Blank Rome LLP  
1201 Market Street  
Wilmington, DE 19801  
[Preston-T@blankrome.com](mailto:Preston-T@blankrome.com)  
[caponi@blankrome.com](mailto:caponi@blankrome.com)

/s/ Philip A. Rovner  
Philip A. Rovner (#3215)  
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