

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

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

LEADER TECHNOLOGIES, INC.’S REPLY TO SECOND AMENDED COUNTERCLAIMS OF DEFENDANT FACEBOOK, INC.

Plaintiff Leader Technologies, Inc. (“Leader”) responds to the counterclaims set forth by Defendant Facebook, Inc. (“Facebook”) in its Second Amended Answer to Complaint for Patent Infringement; Affirmative Defenses; and Counterclaims (“Second Amended Counterclaims”) as follows:

1. Admitted.
2. Leader admits it is a corporation organized and existing under the laws of the State of Delaware having its principal place of business at 737 Enterprise Drive, Suite A, Lewis Center, OH 43035. Except as expressly admitted herein, Leader denies the remaining allegations of paragraph 2 of the Second Amended Counterclaims.

3. Admitted.
4. Admitted.
5. Admitted.
6. Leader admits that there is an actual controversy between Leader and Facebook regarding Facebook’s infringement of U.S. Patent No. 7,139,761 (the “761 Patent”) pursuant to

28 U.S.C. § § 2201 and 2202. Leader admits that Facebook purports to seek a declaration related to infringement and validity of the '761 Patent and purports that Leader's claims are barred.

COUNT I

7. Leader incorporates by reference paragraphs 1-6 of this Reply in response to Paragraph 7 of the Second Amended Counterclaims.

8. Leader denies the allegations of Paragraph 8 of the Second Amended Counterclaims.

COUNT II

9. Leader incorporates by reference paragraphs 1-8 of this Reply in response to Paragraph 9 of the Second Amended Counterclaims.

10. Leader denies the allegations of Paragraph 10 of the Second Amended Counterclaims.

COUNT III

11. Leader incorporates by reference paragraphs 1-10 of this Reply in response to Paragraph 11 of the Second Amended Counterclaims.

12. Leader admits that it designs and sells, among other products, a product called "Leader2Leader®" which is powered by "Digital Leaderboard®" ("Leader2Leader"). Except as expressly admitted herein, Leader denies the remaining allegations of paragraph 12 of the Second Amended Counterclaims.

13. Leader admits that it marked Leader2Leader and related promotional material with the '761 Patent number since on or around November 2006. Except as expressly admitted herein, Leader denies the remaining allegations of paragraph 13 of the Second Amended Counterclaims.

14. Denied.
15. Denied.
16. Denied.
17. Denied.

AFFIRMATIVE DEFENSES

18. Facebook fails to state a claim upon which relief can be granted.
19. Leader has not falsely marked any product, for the purpose of deceiving the public, in violation of 35 U.S.C. § 292.
20. The relief requested by Facebook exceeds what is permissible by law.

PRAYER FOR RELIEF

WHEREFORE, Leader prays that the Court grant the following relief and judgment:

- A. A declaration that Leader has not falsely marked any product in violation of 35 U.S.C. § 292;
- B. A judgment that Facebook infringes United States Patent No. 7,139,761, and that such infringement is willful;
- C. A judgment that United States Patent No. 7,139,761 is valid and enforceable;
- D. A denial that Facebook is entitled to any judgment or relief in its favor, including the relief sought in paragraphs A through H of the Prayer for Relief in the Second Amended Counterclaims; and
- E. All relief sought in Leader's Complaint for Patent Infringement against Facebook.

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Dated: January 6, 2010
948410

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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on January 6, 2010, 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.

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