

**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.)	
)	PUBLIC VERSION
FACEBOOK, INC., a Delaware corporation,)	
)	
Defendant-Counterclaimant.)	

DECLARATION OF MICHAEL MCKIBBEN IN SUPPORT OF PLAINTIFF LEADER TECHNOLOGIES, INC.'S BRIEF IN SUPPORT OF DETERMINING DOCUMENTS PRIVILEGED AND/OR WORK PRODUCT UNDER THE COMMON INTEREST DOCTRINE

OF COUNSEL:

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*Attorneys for Plaintiff
Leader Technologies, Inc.*

Dated: March 1, 2010
Public Version: March 8, 2010

1. I am the chairman and founder of Leader Technologies, Inc. ("Leader"). I have personal knowledge of the facts set forth in this declaration and can testify competently to these facts.

2.

REDACTED

Based on my

knowledge of the Facebook website and understanding of the '761 Patent, I believe that the Facebook website includes technology covered by the '761 Patent.

3.

REDACTED

4.

REDACTED

5. It was also our rigorous practice to clearly mark all documents which contained work product or privileged material. For example, on attorney work product or privileged material, I included statements such as "Attorney-Client Work Product/Attorney-Client Privileged Information/Proprietary & Confidential Trade Secrets" and "Proprietary & Confidential/ATTORNEY-CLIENT WORK PRODUCT".

6.

REDACTED

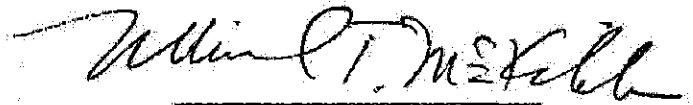
7.

REDACTED

8. Based on my interactions with these patent financing groups, it was my belief that Leader's interests and the litigation financing groups' interests were aligned when discussing the merits of the litigation. The sole reason for disclosing material discussing the merits of the potential patent litigation was to obtain financing for the litigation and create collaboration. Our discussions were not to persuade the litigation financing companies to purchase equity in Leader or the '761 Patent.

9. Because I am extremely protective of Leader's confidential, privileged and work product material, I would never have disclosed any material to any third party if I believed that this may compromise the privilege or work product nature of this information.

I declare under penalty of perjury under the laws of the State of Ohio and the United States that the foregoing is true and correct. Executed this 1st day of March 2010, at Lewis Center, Ohio.



Michael T. McKibben

EXHIBIT 1

**THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY**

EXHIBIT 2

**THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY**

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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on March 8, 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.

BY CM-ECF AND E-MAIL

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I hereby certify that on March 8, 2010 I have sent by E-mail the foregoing document to the following non-registered participants:

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