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PUBLIC VERSION

The Honorable Leonard P. Stark
U.S. District Court for the District of Delaware
U.S. Courthouse
844 N. King Street
Wilmington, DE 19801-3556

Re: Leader Technologies, Inc. v. Facebook, Inc., C. A. No. 08-862-JJF(LPS)

Dear Judge Stark:

Leader Technologies (“Leader”) submits this letter brief as an update to our February 11, 2010 letter and the February 16, 2010 telephonic hearing regarding the deposition of Facebook Inc.’s (“Facebook”) founder and CEO, Mark Zuckerberg. During the February 16 hearing, Your Honor instructed Leader and Facebook [REDACTED]

The depositions have been completed, and in an effort to find a middle ground, Leader offered to forego the deposition of Mr. Zuckerberg in exchange for a joint stipulation regarding the following issues:

1. Mr. Zuckerberg’s sworn testimony in two previous cases would be admissible and treated as if taken in this case;
2. Mr. Zuckerberg would not be permitted to “sandbag” Leader and appear live as a trial witness;
3. Certain Facebook and Mr. Zuckerberg’s documents would be stipulated to be authentic and admissible; and
4. Statements attributed to Mr. Zuckerberg in published interviews are accurate, and admissible.

A copy of Leader's proposed stipulation is attached to this letter as Exhibit 1. We believe that this proposal, while not ideal for Leader, represents a fair balance between Leader's need to gather evidence necessary for trial while respecting Facebook's desire to protect Mr. Zuckerberg's schedule.

Unfortunately, Facebook rejected Leader's compromise proposal. Given the rapidly approaching trial date in the action, and the long course of Facebook's delays in responding to Leader's request to depose Mr. Zuckerberg (a deposition which was originally noticed for January 19 of this year) Leader respectfully renews its request that the Court order Facebook to produce Mark Zuckerberg for deposition.

As expected, Leader's depositions of Facebook's witnesses confirmed that

[REDACTED]

This is not surprising as Facebook freely acknowledges that Mr. Zuckerberg was the sole designer of the original Facebook.com website and for at least several years thereafter had the final decision-making authority over the design and development of the Facebook website. As discussed in our February 11 letter, Mr. Zuckerberg's position as the sole designer of Facebook's web site gave him possession of unique, personal knowledge relevant to Leader's claims of patent infringement, willful infringement, and damages calculations in this action.

Respectfully,

/s/ Philip A. Rovner

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Enc.

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