

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 OPPOSITION TO DEFENDANT FACEBOOK INC.'S MOTION FOR LEAVE TO AMEND ITS RESPONSIVE PLEADING TO ADD A DEFENSE AND COUNTERCLAIM OF INEQUITABLE CONDUCT AND TO AMEND ITS FALSE MARKING COUNTERCLAIM

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*Attorneys for Plaintiff
Leader Technologies, Inc.*

Dated: April 12, 2010
Public Version: April 19, 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 those facts.

2. Leader filed U.S. Provisional Patent Application No. 60/432, 255 ("255 Provisional Application") on December 11, 2002.

3. Leader filed U.S. Patent No. 7,139,761 ("761 Patent") on December 10, 2003 and claims priority to the '255 Provisional Application.

4. Leader relied in good faith upon the '255 Provisional Application and non-disclosure agreements to disclose Leader2Leader® in demonstrations to potential investors.

5. During the pendency of the '761 patent Leader did not possess nor was it aware of the Bianco Thesis. The Bianco Thesis was obtained in 2008 by Leader as a result of a prior art search.

6. During the pendency of the '761 patent Leader did not possess nor was it aware of the Mitre reference cited in the Bianco Thesis.

7. During the pendency of the '761 patent Leader was aware of iManage as a potential competitor but did not possess iManage documents, manuals, or software.

8. During my February 23, 2010 deposition, Facebook

REDACTED

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 12th day of April 2010, at 333 Twin Dolphin Ave, Redwood Shores, CA.

A handwritten signature in black ink, appearing to read "Michael T. McKibben", written in a cursive style.

Michael McKibben

**IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on April 19, 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 April 19, 2010 I have sent by E-mail the foregoing document to the following non-registered participants:

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