

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

LEADER TECHNOLOGIES, INC., a
Delaware corporation

Plaintiff and Counterdefendant,

v.

FACEBOOK, INC., a Delaware
corporation

Defendant and Counterclaimant.

CIVIL ACTION

NO. 1:08-cv-00862-JJF

**DECLARATION OF CRAIG CLARK
IN SUPPORT OF DEFENDANT'S MOTION FOR ORDER
COMPELLING RESPONSE TO DEFENDANT'S INTERROGATORY NO. 1**

I, Craig Clark, declare:

1. I am an attorney with White & Case LLP, counsel of record in this action for defendant Facebook, Inc. ("Facebook"). I make this declaration in support of Facebook's Motion for Order Compelling Response to Defendant's Interrogatory No. 1. I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matters contained herein.

2. On February 18, 2009, Facebook propounded its First Set of Interrogatories (1-9). On March 20, 2009, Plaintiff Leader Technologies, Inc. ("LTI") served its responses to Facebook's First Set of Interrogatories (1-9). Attached hereto as **Exhibit A** is a true and correct copy of LTI's response to Facebook Interrogatory No. 1, which recites Facebook Interrogatory No. 1 as propounded. While LTI indicated its responses were confidential, LTI subsequently de-designated its response to Facebook Interrogatory No. 1.

3. I am informed that in or about December 2008, Sam O'Rourke, in-house counsel for Facebook, spoke with Paul Andre, counsel for LTI and requested certain information about

LTI's claims. Attached hereto as **Exhibit B** is a true and correct copy of an email chain between Mr. O'Rourke to Mr. Andre reflecting discussions between Messrs. O'Rourke and Andre.

4. On or about January 14, 2009, I participated in a telephone conference with Meghan Wharton, counsel for LTI. During the call I explained to Ms. Wharton my understanding that LTI had planned to provide information about what aspects of Facebook's website LTI was accusing to Mr. O'Rourke. Ms. Wharton responded that she was aware of the request but could not provide any information at the time of our call and that she would get back to me on the issue.

5. On January 20, 2009, I participated in a second telephone conference with Ms. Wharton during which we discussed whether LTI was willing to provide additional information about what aspects of Facebook's website LTI was accusing. Ms. Wharton declined to provide any information. Attached hereto as **Exhibit C** is a true and correct copy of an email dated January 20, 2009 that I sent to Ms. Wharton confirming the matters discussed.

6. Attached hereto as **Exhibit D** is a true and correct copy of an email dated January 27, 2009 received by me from Ms. Wharton.

7. Attached hereto as **Exhibit E** is a true and correct copy of a letter I sent to Ms. Wharton dated March 25, 2009.

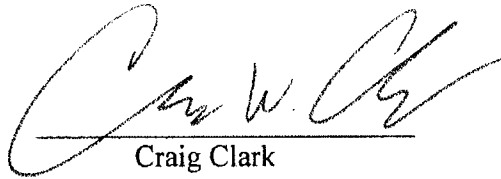
8. On April 2, 2009, Heidi Keefe, lead counsel for Facebook and Mr. Andre conducted a telephonic conference regarding LTI's response to Facebook's Interrogatory No. 1. Mr. Andre indicated that LTI would consider supplementing its response. Ms. Keefe suggested that LTI may be able to adequately convey its infringement theories by annotating screen captures in LTI's document production. Attached hereto as **Exhibit F** is a true and correct copy of email correspondence between Ms. Keefe and Mr. Andre dated March 31, 2009 through April 2, 2009.

9. Attached hereto **Exhibit G** is a true and copy of an April 6, 2009 letter addressed to Ms. Keefe from Mr. Andre.

10. Attached hereto as **Exhibit H** is a true and correct copy of a letter I sent to Lisa Kolbialka, counsel for plaintiff, dated April 8, 2009. On April 10, 2009, I participated in a conference with Ms. Kolbialka, during which we discussed LTI's response to Facebook's Interrogatory No. 1. Ms. Kolbialka explained that LTI would not supplement its response to Facebook's Interrogatory No. 1, with the information contained in Mr. Andre's April 6, 2009 letter, or otherwise.

11. Attached hereto as **Exhibit I** is a true and correct copy of an email I sent to Ms. Wharton dated April 14, 2009.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 1, 2009 in Palo Alto, California.



Craig Clark