

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

DECLARATION OF LISA KOBIALKA IN SUPPORT OF LEADER TECHNOLOGIES, INC.'S MOTION TO COMPEL FACEBOOK, INC. TO RESPOND TO LEADER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS AND LEADER'S FIRST SET OF INTERROGATORIES

OF COUNSEL:

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*Attorneys for Plaintiff
Leader Technologies, Inc.*

Dated: April 30, 2009
Public Version: May 7, 2009

I, Lisa Kobialka, hereby declare:

1. I am a Partner with the law firm King & Spalding LLP, counsel of record for Plaintiff Leader Technologies, Inc. (“Leader”). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts.
2. Attached hereto as Exhibit 1 is a true and correct copy of Facebook, Inc.’s Objections and Responses to Plaintiff Leader Technologies, Inc.’s First Set of Interrogatories (1-13), served on March 23, 2009.
3. Attached hereto as Exhibit 2 is a true and correct copy of Facebook, Inc.’s Response to Leader Technologies, Inc.’s First Set of Requests for Production of Documents (1-73), served on March 23, 2009.
4. Attached hereto as Exhibit 3 is a true and correct copy of Leader Technologies, Inc.’s Responses to Facebook, Inc.’s First Set of Interrogatories (1-9), served on March 20, 2009.
5. Attached hereto as Exhibit 4 is a true and correct copy of the hearing transcript for the March 3, 2009 Scheduling Conference.
6. Attached hereto as Exhibit 5 is a true and correct copy of a letter from counsel for Leader, Meghan A. Wharton, to counsel for Facebook, Inc. (“Facebook”), Craig W. Clark, on April 1, 2009.
7. On April 2, 2009, the parties met-and-conferred telephonically regarding the Facebook’s disapproval of Leader’s definition of the Facebook Website and Leader’s preliminary infringement contentions. Leader agreed that it would review the applications named in Leader’s definition of Facebook Website, and remove any applications that were not created by Facebook to the extent it could do so based on the public information it could find. Also, Leader stated that it would provide a narrative explanation of Facebook’s infringement of an exemplar claim.

8. On April 6, 2009, Leader provided Facebook a letter with this information. Attached hereto as Exhibit 6 is a true and correct copy of the April 6th letter from counsel for Leader, Paul Andre, to counsel for Facebook, Heidi Keefe.

9. On April 10, 2009, the parties met-and-conferred telephonically regarding Facebook's continued refusal to respond to a number of Leader's discovery requests despite Leader providing Facebook with further details regarding infringement on April 6, 2009. I requested that Facebook provide Leader with information regarding its source code and back-end technical information. Until Leader received such technical information, it could not provide Facebook with any more detailed infringement contentions, and could only provide Facebook with evidence of infringement based on the information that was publicly available. Facebook's counsel refused to provide Leader with any such information. Attached hereto as Exhibit 7 is a true and correct copy of an e-mail from counsel for Leader, Meghan A. Wharton, to counsel for Facebook, Craig W. Clark, on April 10, 2009, regarding the parties' April 10th telephone conference.

10. Attached hereto as Exhibit 8 is a true and correct copy of an e-mail from counsel for Facebook, Clark W. Clark, to counsel for Leader, Meghan A. Wharton, on April 14, 2009.

11. Attached hereto as Exhibit 9 is a true and correct copy of my letter to counsel for Facebook, Craig W. Clark, on April 16, 2009.

12. Attached hereto as Exhibit 10 is a true and correct copy of a letter from counsel for Facebook, Craig W. Clark, to myself on April 21, 2009.

13. Attached hereto as Exhibit 11 is a true and correct copy of my letter to counsel for Facebook, Craig W. Clark, on April 22, 2009.

14. Attached hereto as Exhibit 12 is a true and correct copy of a letter from counsel for Facebook, Craig W. Clark, to myself on April 24, 2009.

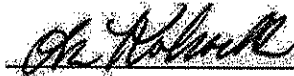
15. Attached hereto as Exhibit 13 is a true and correct copy of my letter to counsel for Facebook, Craig W. Clark, on April 28, 2009.

16. Attached hereto as Exhibit 14 is a true and correct copy of an e-mail from counsel for Leader, Meghan A. Wharton, to counsel for Facebook, Craig W. Clark, on January 27, 2009.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Order from Cross Atlantic Capital Partners, Inc. v. Facebook, Inc. and TheFacebook, LLC, No. 07-CV-02768-JP (E.D. Pa.), dated December 20, 2007.

18. Attached hereto as Exhibit 16 is a true and correct copy of the Order from ConnectU, Inc. v. Facebook, Inc., No. 2007-10593-DPW (D. Mass.), dated September 13, 2007.

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 30th day of April 2009, at Redwood Shores, California.



Lisa Kobialka

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

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on May 7, 2009, 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, E-MAIL AND FIRST CLASS MAIL

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I hereby certify that on May 7, 2009 I have sent by E-mail and first class mail the foregoing document to the following non-registered participants:

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