

EXHIBIT A2

Exhibit A2

Facebook's Statement of Issues of Fact that Remain To Be Litigated

Facebook submits the following issues of fact to be litigated:

1. Whether Facebook infringes any claims of the '761 patent.
2. Whether the '761 patent is invalid, and therefore unenforceable, for failure to meet one or more of the conditions of patentability specified in 35 U.S.C. §§ 101-103 and/or 112.
3. Whether Leader is barred from pursuing its claims by the doctrine of laches.
4. Whether the '761 patent is unenforceable because of Leader's and the inventors' inequitable conduct during prosecution of the patent.
5. Whether Facebook is entitled to declaratory judgment under 28 U.S.C. §§ 2201 and 2202 of non-infringement of the '761 patent.
6. Whether Facebook is entitled to declaratory judgment under 28 U.S.C. §§ 2201 and 2202 of invalidity, and therefore unenforceability, of the '761 patent for failure to meet one or more of the conditions of patentability specified in 35 U.S.C. §§ 101-103 and/or 112.
7. Whether Leader falsely marked products that do not practice the claims of the '761 patent under the terms of 35 U.S.C. § 292.
8. If Leader is found to have falsely marked products under the terms of 35 U.S.C. § 292, what penalty may be assessed against Leader and what damages are owed to Facebook.

9. Whether Facebook is entitled to declaratory judgment under 28 U.S.C. §§ 2201 and 2202 of unenforceability of the '761 patent because of Leader's and the inventors' inequitable conduct during prosecution of the patent.
10. Whether this is an exceptional case under 35 U.S.C. §285.
11. Whether Facebook is entitled to costs and attorneys' fees.
12. Any other relief the Court deems appropriate.