

**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

**DEFENDANT FACEBOOK, INC.'S  
PROPOSED SPECIAL VERDICT FORM  
PURSUANT TO RULE 51.1(C)**

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**DEFENDANT FACEBOOK, INC.'S PROPOSED SPECIAL VERDICT FORM**

**Leader's Patent Infringement Claims Against Facebook**

**Literal Infringement**

1. Do you find that Leader has proven by a preponderance of the evidence that Facebook has literally infringed each and every element of any of the asserted claims of U.S. Patent No. 7,139,761? *Answer this question regarding infringement of the '761 patent with a "yes" or "no." A "yes" is a finding for Leader, a "no" is a finding for Facebook.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered "No," please proceed to Question No. 3

2. If you answered "Yes," please place a check mark next to the claims you found to be infringed.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Infringement Under the Doctrine of Equivalents**

[Facebook believes this should not be in the case.]

3. If you found that Facebook did not literally infringe some or all of the claims of U.S. Patent No. 7,139,761 under Question 1, do you find that Leader has proven by a preponderance of the evidence that Facebook has infringed any of those claims under the doctrine of equivalents? *Answer this question regarding infringement of the '761 patent under the doctrine of equivalents with a "yes" or "no." A "yes" is a finding for Leader, a "no" is a finding for Facebook.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered "No," please proceed to Question No. 5.

4. If you answered "Yes," please mark the claims you found to be infringed.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Priority Date of U.S. Patent No. 7,139,761**

5. Do you find that Leader has proven by a preponderance of the evidence that U.S. Patent Application No. 60/432255 (the "Provisional Application") fully discloses each and every element of any of the asserted claims of U.S. Patent No. 7,139,761? *Answer this question regarding priority date of the '761 patent with a "yes" or "no." A "yes" is a finding for Leader, a "no" is a finding for Facebook.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “Yes,” please mark the asserted claims of U.S. Patent No. 7,139,761 for which you found that each and every element was fully disclosed by the Provisional Application.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Facebook’s Patent Invalidation Claims Against Leader**

**On-Sale Bar**

6. Do you find that Facebook has proven by clear and convincing evidence that the asserted claims of U.S. Patent No. 7,139,761 are invalid because a product embodying the alleged invention was on-sale in the United States more than one year prior to the filing of the patent application that resulted in U.S. Patent No. 7,139,761? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

**Prior Public Use**

7. Do you find that Facebook has proven by clear and convincing evidence that the asserted claims of U.S. Patent No. 7,139,761 are invalid because a product embodying the alleged invention was in public use in the United States more than one year prior to the filing of the patent application that resulted in U.S. Patent No. 7,139,761? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

**Anticipation by iManage**

8. Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by iManage DeskSite 6.0 (“iManage”)? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 10.

9. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Anticipation by the Swartz Reference**

10. Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by U.S. Patent No. 6,236,994 B1 (“Swartz”)? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 12.

11. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Anticipation by the Hubert Reference**

12. Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by European Patent Application No. EP 1 087 306 A2 or U.S. Patent No. 7,590,934 B2 (“Hubert”)? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 14.

13. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Anticipation by the Lamping Reference**

14. Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by U.S. Patent No. 6,370,538 B1 (“Lamping”)? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 16.

15. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Anticipation by the Hess Reference**

16. Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by the publication authored by Christopher K. Hess, entitled “A Context File System for Ubiquitous Computing Environments” (“Hess”)? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 18.

17. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Anticipation by the Seliger Reference**

18. Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by U.S. Patent No. 6,941,313 B2 (“Seliger”)? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 20.

19. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	



**Anticipation by the Dourish Reference**

20. Do you find that Facebook has proven by clear and convincing evidence that any of the asserted claims of U.S. Patent No. 7,139,761 are invalid because they are anticipated by U.S. Patent No. 6,430,575 B1 (“Dourish”)? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 22.

21. If you answered “Yes,” please mark the claims you found to be anticipated.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Obviousness**

22. Do you find that Facebook has proven by clear and convincing evidence that any of the claims of U.S. Patent No. 7,139,761 are invalid on the ground of obviousness? *Answer this question regarding invalidity of the '761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you answered “No,” please proceed to Question No. 24.

23. If you answered “Yes,” please mark the claims you found to be obvious.

Claim 1: _____	Claim 4: _____	Claim 7: _____
Claim 9: _____	Claim 11: _____	Claim 16: _____
Claim 21: _____	Claim 23: _____	Claim 25: _____
Claim 31: _____	Claim 32: _____	

**Facebook’s Inequitable Conduct Claim**

24. Do you find that Facebook has proven by clear and convincing evidence that Leader had the intent to mislead or deceive the patent examiner and withheld or misrepresented information that was significant and material to the patent examiner’s evaluation of the application related to U.S. Patent No. 7,139,761? *Answer this question regarding unenforceability of the ‘761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

**Willful Infringement**

[Facebook believes this should not be in the case]

25. If you answered “Yes” to Questions 1 or 2, and you answered “no” to all other questions, do you further find that Leader has proven by clear and convincing evidence that Facebook’s infringement was willful? *A “yes” is a finding for Leader, a “no” is a finding for Facebook.*

YES \_\_\_\_\_

NO \_\_\_\_\_

**False Marking**

**Facebook’s False Marking Claim against Leader**

26. Do you find that Facebook has proven by a preponderance of the evidence that Leader committed false marking with respect to any of its products? *Answer this question regarding false marking with the ‘761 patent with a “yes” or “no.” A “yes” is a finding for Facebook, a “no” is a finding for Leader.*

YES \_\_\_\_\_

NO \_\_\_\_\_

If you marked “no,” skip to the end.

**False Marking Damages**

**Statutory Fine Amount for Facebook’s False Marking Claims Against Leader**

27. If you have found that Leader committed false marking, then what statutory fine should be applied to each instance of false marking?

\$ \_\_\_\_\_

**Instances of False Marking for Facebook’s False Marking Claims Against Leader**

28. If you have found that Leader has falsely marked its products with U.S. Patent No. 7,139,761, then to what number of instances of false marking should the statutory fine be applied?

\_\_\_\_\_

**Damages**

**Royalty Rate for Leader's Patent Infringement Claims Against Facebook**

29. If you have found that Facebook has infringed the claims of U.S. Patent No. 7,139,761, and that these claims are valid and not subject to inequitable conduct, then what is the reasonable royalty rate which Leader has proven by a preponderance of the evidence?

\_\_\_\_\_ %

**Royalty Base for Leader's Patent Infringement Claims Against Facebook**

30. If you have found that Facebook has infringed any of the claims of U.S. Patent No. 7,139,761, and that these claims are valid, then what is the amount of sales revenue to which the royalty rate should be applied?

\$ \_\_\_\_\_