

**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 JAMES HANNAH IN SUPPORT OF
LEADER TECHNOLOGIES, INC.'S OPPOSITIONS TO FACEBOOK, INC.'S
MOTIONS IN LIMINE NOS. 1-11**

**Volume I
Exhibits 1-5**

Leader Technologies Inc. v. Facebook Inc.

Doc. 496

OF COUNSEL:

Paul J. André
Lisa Kobialka
KING & SPALDING, LLP
333 Twin Dolphin Drive
Suite 400
Redwood Shores, California 94065-6109
(650) 590-7100

Philip A. Rovner (#3215)
Jonathan A. Choa (#5319)
POTTER ANDERSON & CORROON LLP
Hercules Plaza
P.O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com
jchoa@potteranderson.com

*Attorneys for Plaintiff and Counterdefendant
Leader Technologies, Inc.*

Dated: May 27, 2010
Public Version: June 3, 2010

I, James Hannah, declare as follows:

1. I am an attorney with the law firm of King & Spalding LLP, counsel of record for Leader Technologies, Inc. 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 Leader Technologies, Inc.'s Responses to Facebook, Inc.'s First Set of Interrogatories (1-9), served on March 20, 2009.

3. Attached hereto as Exhibit 2 is a true and correct copy of Leader Technologies, Inc.'s First Supplemental Response to Facebook, Inc.'s Interrogatories No. 1, served on October 15, 2009.

4. Attached hereto as Exhibit 3 is a true and correct copy of Leader Technologies, Inc.'s Second Supplemental Response to Facebook, Inc.'s Interrogatory No. 1, First Supplemental Responses to Facebook's Interrogatory Nos. 4, 11-17 and Third Supplemental Response to Facebook's Interrogatory No. 9, served on October 28, 2009.

5. Attached hereto as Exhibit 4 is a true and correct copy of Leader Technologies, Inc.'s Third Supplemental Response to Facebook, Inc.'s Interrogatory No. 1, First Supplemental Response to Facebook, Inc.'s Interrogatory No. 8, and Second Supplemental Responses to Facebook, Inc.'s Interrogatories Nos. 10 and 12-17, served on November 20, 2009.

6. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiff Leader Technologies, Inc.'s Supplemental Responses to Defendant Facebook, Inc.'s Interrogatory Nos. 1, 4, 5, 7, 10, 12-18, served on April 1, 2010.

7. Attached hereto as Exhibit 6 is a true and correct copy of pages 48, 52-53, 57, 72-73, 92-93, 95-99, 101-02, and 104 from the transcript of the deposition of Giovanni Vigna taken May 3, 2010.

8. Attached hereto as Exhibit 7 is a true and correct copy of web page titled "Facebook Platform," available at <http://www.facebook.com/platform>, last accessed on May 27, 2010.

9. Attached hereto as Exhibit 8 is a true and correct copy of pages 6-7 from the transcript of the deposition of Jeffrey Lamb taken February 19, 2010.

10. Attached hereto as Exhibit 9 is a true and correct copy of the errata sheet to the February 19, 2010, transcript of the deposition of Jeffrey Lamb, signed on March 31, 2010.

11. Attached hereto as Exhibit 10 is a true and correct copy of pages 37-39 and 51-52 from the transcript of the April 9, 2010, hearing before The Honorable Leonard P. Stark in the present action.

12. Attached hereto as Exhibit 11 is a true and correct copy of a deposition subpoena to Jeffrey R. Lamb dated April 23, 2010.

13. Attached hereto as Exhibit 12 is a true and correct copy of Third Party Jeffrey Lamb's Motion to Quash Deposition Subpoena and for Protective Order, filed in the United States District Court for the Northern District of Ohio, Misc. Case No. 1:10 MC 00040.

14. Attached hereto as Exhibit 13 is a true and correct copy of a deposition subpoena to Jeffrey R. Lamb dated May 10, 2010.

15. Attached hereto as Exhibit 14 is a true and correct copy of Third Party Jeffrey Lamb's Motion to Quash Deposition Subpoena and for Protective Order ("Motion to Quash"), filed in the United States District Court for the Southern District of Ohio, Misc. Case No. 2:10 MC 012. Because of the trial schedule in the present action, Magistrate Judge King of the Southern District of Ohio scheduled an expedited hearing to hear Mr. Lamb's Motion to Quash for the afternoon of May 21, 2010. However, on May 21, 2010, Facebook withdrew its third subpoena for deposition and informed Judge King that the hearing would not be necessary.

16. Attached hereto as Exhibit 15 is a true and correct copy of pages 54, 139, 161, and 206-13 from the transcript of the deposition of Michael T. McKibben taken February 23, 2010.

17. Attached hereto as Exhibit 16 is a true and correct copy of a Leader memo to Leader Members in Arizona dated September 19, 2000, bearing production number LTI_073269.

18. Attached hereto as Exhibit 17 is a true and correct copy of an email from Michael McKibben to Bradley Dorsey of Leader dated August 14, 2002, bearing production numbers LTI079019-20.

19. Attached hereto as Exhibit 18 is a true and correct copy of an email from Michael McKibben to John Hill of Computer Dynamics dated November 8, 2002, bearing production number LTI077880.

20. Attached hereto as Exhibit 19 is a true and correct copy of an email from Steven Monaghan of Leader to Bob Skinner dated April 22, 2002, bearing production number LTI077861.

21. Attached hereto as Exhibit 20 is a true and correct copy of a Confidential Disclosure Agreement between Leader and Boston Scientific Corp., bearing production numbers LTI_006469-73.

22. Attached hereto as Exhibit 21 is a true and correct copy of an email from Michael McKibben to Debbie Rollins and Kathy Hess of Boston Scientific dated December 9, 2002, bearing production numbers LTI_006399-434.

23. At no time did Facebook issue a document request or send a letter to counsel seeking production of any of Leader's NDAs, despite its knowledge of the existence Leader's NDAs since at least April of 2009. *See infra*, ¶¶ 17-22, Exs. 16-21. At least as early as April 2009, Leader produced all documents responsive to Facebook's requests, including all communications with customers, offers for sale, contracts, marketing material for Leader's product, Leader2Leader, demonstrations of Leader2Leader and anything that referred to the '761 Patent or the patented technology. Nor was there any follow up by Facebook regarding documents relating to Leader's communications with third parties.

24. Attached hereto as Exhibit 22 is a true and correct copy of correspondence from Kristopher Kastens, counsel for Leader, to Jeffrey Norberg, counsel for Facebook, dated March 9, 2010.

25. Attached hereto as Exhibit 23 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.

26. Attached hereto as Exhibit 24 is a true and correct copy of Facebook, Inc.'s First Supplemental Responses to Plaintiff Leader Technologies, Inc.'s Interrogatories Nos. 3, 4, 6, and 10, served on May 15, 2009.

27. Attached hereto as Exhibit 25 is a true and correct copy of Defendant Facebook, Inc.'s Responses to Plaintiff Leader Technologies, Inc.'s Third Set of Interrogatories, served on October 7, 2009.

28. Attached hereto as Exhibit 26 is a true and correct copy of correspondence from Mr. Norberg to Paul J. Andre, counsel for Leader, dated April 20, 2010.

29. Attached hereto as Exhibit 27 is a true and correct copy of pages 4-8 from the transcript of the February 16, 2010, hearing before The Honorable Leonard P. Stark in the present action.

30. Attached hereto as Exhibit 28 is a true and correct copy of Leader white paper entitled "White Paper - Leader2Leader® - What convergence was meant to be," bearing production number LTI_011077-83.

31. Attached hereto as Exhibit 29 is a true and correct copy of a Leader white paper entitled "Leadership Software™ Overcomes Data Silo Barriers; Offers A New Way To Work™," bearing production numbers LTI_019933-41.

32. Attached hereto as Exhibit 30 is a true and correct copy of correspondence between Michael McKibben and Max McKibben, dated April 21, 2003, to January 13, 2004, bearing production numbers LTI_065364-66, LTI_065384, LTI_065389-91, and LTI_065392-94.

33. Attached hereto as Exhibit 31 is a true and correct copy of the online diary of Mark Zuckerberg on the Harvard Face Mash, bearing production numbers LTI156416-17.

34. Attached hereto as Exhibit 32 is a true and correct copy of pages 10-11, 13, and 28-31 from the transcript of the deposition of Mark Zuckerberg taken May 11, 2010.

35. Attached hereto as Exhibit 33 is a true and correct copy of an article entitled "Geek Power" from the May 2010 issue of Wired magazine, available at http://www.wired.com/magazine/2010/04/ff_hackers/all/1, last visited on May 27, 2010.

36. Attached hereto as Exhibit 34 is a true and correct copy of a Leader white paper entitled "Heroes in the Storm," bearing production number LTI_015705-08.

I declare under penalty of perjury under the laws of the State of California and the United States that each of the above statements is true and correct.

Executed on May 27, 2010 in Redwood Shores, California.

/s/ James Hannah
James Hannah

Exhibit 1

**THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY**

Exhibit 2

**THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY**

Exhibit 3

**THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY**

Exhibit 4

**THIS EXHIBIT HAS BEEN
REDACTED IN ITS ENTIRETY**

Exhibit 5

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REDACTED IN ITS ENTIRETY**

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

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on June 3, 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

Thomas P. Preston, Esq.
Steven L. Caponi, Esq.
Blank Rome LLP
1201 Market Street
Wilmington, DE 19801
Preston-T@blankrome.com
caponi@blankrome.com

I hereby certify that on June 3, 2010 I have sent by E-mail the foregoing document to the following non-registered participants:

Heidi L. Keefe, Esq.
Mark R. Weinstein, Esq.
Jeffrey Norberg, Esq.
Melissa H. Keyes, Esq.
Cooley LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
hkeefe@cooley.com
mweinstein@cooley.com
jnorberg@cooley.com
mkeyes@cooley.com

/s/ Philip A. Rovner _____
Philip A. Rovner (#3215)
Potter Anderson & Corroon LLP
Hercules Plaza
P. O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com