

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 08-862-LPS
	:	
FACEBOOK, INC.,	:	
	:	
Defendant.	:	

ORDER

At Wilmington, this 25th day of June 2010;

IT IS HEREBY ORDERED that:

1. Defendant Facebook, Inc.’s request to reopen discovery and continue the trial date for 60 days (D.I. 544) is **DENIED** for the reasons stated during the telephonic conference of June 25, 2010.
2. The issues of willfulness, damages (including injunctive relief and false marking), and inequitable conduct will be tried separately from the trial that begins on July 19, 2010, at a time and date to be determined later.
3. The following motions are **DENIED WITHOUT PREJUDICE**, pursuant to the Court’s decision to separate the issues at trial:
 - a. Facebook’s Motion For Summary Judgment No. 2: Non-Infringement and No Damages (D.I. 385), to the extent that the motion addresses damages;
 - b. Facebook’s Motion for Summary Judgment No. 4: No Willful Infringement (D.I. 394);
 - c. Leader’s Motion For Summary Judgment of Facebook’s False Marking

Counterclaim (D.I. 395);

d. Facebook's Motion in Limine No. 4: To Preclude Evidence or Argument Relating to Internal Use of Accused Systems by Facebook Employees (D.I. 412);

e. Facebook's Motion in Limine No. 8: To Preclude Leader from Referring to or Introducing Any Evidence Relating to Any Alleged Acts of "Hacking" or Unauthorized Access by Facebook or Mark Zuckerberg (D.I. 412);

f. Facebook's Motion in Limine No. 9: To Exclude Evidence or Argument that Mark Zuckerberg Copied Leader's White Papers (D.I. 412);

g. Facebook's Motion in Limine No. 11: To Preclude References to Hurricane Katrina, Terrorism or Virginia Tech. (D.I. 412);

h. Facebook's Motion in Limine No. 12: To Exclude Testimony and Evidence of Advice of Counsel as a Defense to Facebook's False Marking Counterclaim (D.I. 503);

i. Leader's Motion in Limine No. 3: To Exclude Evidence of Facebook's Settlement Agreements and Expert Testimony Regarding Potential Design Arounds or Non-Infringing Alternatives (D.I. 419)

j. Leader's Motion in Limine No. 7: To Exclude References to a Potential Injunction (D.I. 423)

k. Facebook's Daubert Motion to Preclude Testimony by Leader Expert Russell L. Parr (D.I. 412)

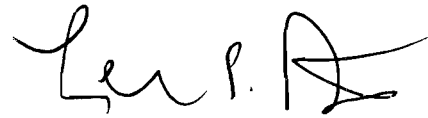
l. Leader's Daubert Motion to Exclude Testimony in its Entirety of Facebook's Experts James Hughes and Kimberly Felix (D.I. 426).

4. Facebook's Motion for Redaction of Electronic Transcript of Hearing Dated April 9, 2010 (D.I. 377) is **DENIED** for the reasons stated by the Court during the telephonic conference of June 25, 2010.

5. Pretrial conferences will be held in Courtroom 2A at the following times: (a) July 1, 2010 at 2 p.m.; and (b) July 16, 2010 at 10:00 a.m.

Delaware counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

June 25, 2010



UNITED STATES MAGISTRATE JUDGE
Hon. Leonard P. Stark

