

# EXHIBIT A

-----Original Message-----

From: Norberg, Jeffrey [mailto:jjnorberg@cooley.com]  
Sent: Monday, July 05, 2010 8:35 AM  
To: Hannah, James  
Subject: RE: Leader - Meet and Confer

James,

I have thought about it and I still think there is not enough turnaround time between the deposition designations and the counterdesignations unless we do our own highlighting and conduct a hand exchange. Please let me know if you can agree to the following schedule:

July 7th: Exchange deposition designations by hard copy (hand delivery) containing the highlighting requested by the Court.

July 9th: Hard copies returned with objections in the margin and counterdesignations in a different color.

July 12th: Each party delivers its own hard copy to the Court in the requested format (with a courtesy copy to the other side), with any objections to counterdesignations in the margin.

The other dates in your e-mail are fine.

Thanks,

Jeff

---

From: Hannah, James [jhannah@KSLAW.com]  
Sent: Sunday, July 04, 2010 11:36 AM  
To: Norberg, Jeffrey  
Subject: RE: Leader - Meet and Confer

Jeff,

Below are the dates that we discussed.

July 6th - Exchange deposition designations

July 7th - Exchange witness lists, Leader provides redlined Pretrial Order

July 8th - Exchange exhibit lists, exchange objections to deposition designations and counter designations

July 10th - Exchange objections to counter designations by providing hard copy of deposition designation in the Court's requested format to each other; Facebook provides redlined Pretrial Order

July 12th - Exchange objections to exhibit lists; File exhibits lists and deposition designations with Court

July 14th - File revised pretrial order with Court

As we discussed, we will also need to deal with jury instructions which we will talk about tomorrow or the next day. Let me know if you have any questions.

James

-----Original Message-----

From: Norberg, Jeffrey [mailto:jnorberg@cooley.com]  
Sent: Saturday, July 03, 2010 8:16 PM  
To: Hannah, James  
Subject: RE: Leader - Meet and Confer

Great. I intend to raise the following issues:

- Exchanging revised exhibit lists, objections, and additional meet and confer efforts prior to the July 16 hearing;
- Exchanging revised witness lists;
- Additional and revised deposition designations / delivering designations to the Court in the requested format; and
- The Court's requested revised pretrial order

Please let me know if there is anything else you would like to discuss.

Thanks,

Jeff

-----Original Message-----

From: Hannah, James [mailto:jhannah@KSLAW.com]  
Sent: Saturday, July 03, 2010 1:55 PM  
To: Norberg, Jeffrey  
Subject: Re: Leader - Meet and Confer

At the office, 650-590-0726. Talk to you tomorrow.

James

James Hannah  
Attorney At Law  
King & Spalding LLP

Silicon Valley -  
333 Twin Dolphin Drive, Suite 400  
Redwood Shores, CA 94065

San Francisco -  
101 Second Street, Suite 2300  
San Francisco, CA 94105

Phone (SV & SF): (650) 590-0726  
Fax (SV & SF): (650) 590-1900  
Email: jhannah@kslaw.com

On Jul 3, 2010, at 1:50 PM, "Norberg, Jeffrey" <jnorberg@cooley.com> wrote:

- > That works. I'll try to send you a list of topics later tonight.
- >
- > Where should I call you?
- >

> -----Original Message-----

> From: Hannah, James [mailto:jhannah@KSLAW.com]  
> Sent: Saturday, July 03, 2010 1:49 PM  
> To: Norberg, Jeffrey

> Subject: Re: Leader - Meet and Confer  
>  
> Sure, say llam?  
>  
> James Hannah  
> Attorney At Law  
> King & Spalding LLP  
>  
> Silicon Valley -  
> 333 Twin Dolphin Drive, Suite 400  
> Redwood Shores, CA 94065  
>  
> San Francisco -  
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> Email: jhannah@kslaw.com  
>  
> On Jul 3, 2010, at 12:45 PM, "Norberg, Jeffrey" <jnorberg@cooley.com> wrote:  
>  
>> James - can we talk tomorrow?  
>>  
>> -----Original Message-----  
>> From: Hannah, James [mailto:jhannah@KSLAW.com]  
>> Sent: Friday, July 02, 2010 12:19 PM  
>> To: Norberg, Jeffrey  
>> Subject: Leader - Meet and Confer  
>>  
>> Jeff,  
>>  
>> I have an immediate issue I need to deal with in another matter. I suggest we meet and confer tomorrow at noon. Please send me a list of the issues that you believe we need to confer about based on the pretrial conference. If there are any additional issues that I have on my list, I will let you know, but it may not be until late tonight.  
>>  
>> James  
>>  
>> James Hannah  
>> Attorney At Law  
>> King & Spalding LLP  
>>  
>> Silicon Valley -  
>> 333 Twin Dolphin Drive, Suite 400  
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# **EXHIBIT B**

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**From:** Norberg, Jeffrey [mailto:jnorberg@cooley.com]  
**Sent:** Wednesday, July 07, 2010 8:17 PM  
**To:** Hannah, James  
**Subject:** RE: Leader v. Facebook - Witness List

James,

We confirm that the witnesses we intend to call are:

Chris Cox  
Saul Greenberg  
Michael Kearns  
Michael McKibben

We will get back to you on whether we will bring any of the Facebook employees whose depositions you have referenced below. We do not consent to playing any testimony not authorized by the Federal Rules.

Thanks,

Jeff

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**From:** Hannah, James [mailto:jhannah@KSLAW.com]  
**Sent:** Wednesday, July 07, 2010 3:27 PM  
**To:** Norberg, Jeffrey  
**Subject:** Leader v. Facebook - Witness List

Jeff,

We intend to call the following witnesses at trial:

James Herbsleb  
Giovanni Vigna  
Michael McKibbean  
Jeffery Lamb (if available)

We intend to use the following video depositions of Facebook employees:

Andrew Bosworth  
Daniel Chai  
Ciporra Herman  
Dan Rose

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Ruchi Sanghvi  
James Wang  
Josh Wiseman  
Mark Zuckerberg

This list is based on your representation that you intend to call the following witness at trial:

Michael Kerns  
Saul Greenberg  
Christopher Cox  
Michael McKibbean

You mentioned that you may be willing to bring some, or all, of the Facebook employees to trial. Please let us know who you will bring by Friday so that we may have enough time to prepare. In any case, we reserve the right to use the video depositions of Facebook employees pursuant to the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

As discussed, this list does not include the video depositions of third parties which will be designated pursuant to the agreed upon schedule.

James

**James Hannah**  
*Attorney At Law*  
King & Spalding LLP

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7/12/2010



# **EXHIBIT C**

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**From:** Norberg, Jeffrey [mailto:jnorberg@cooley.com]  
**Sent:** Sunday, July 11, 2010 5:09 PM  
**To:** Hannah, James  
**Subject:** Fw: Leader v. Facebook

James,

We have confirmed that Josh Wiseman will testify live.

Jeff

---

**From:** Norberg, Jeffrey  
**To:** Hannah, James <jhannah@KSLAW.com>  
**Sent:** Sat Jul 10 21:01:33 2010  
**Subject:** RE: Leader v. Facebook

James,

Your characterization of our agreement is wrong. When we spoke on Wednesday I asked you which Facebook employee depositions you intended to play at trial so that we could determine whether the witnesses would be available live. You provided that information and asked that we tell you as soon as possible whether we would bring any of the Facebook employees so that you could prepare cross-examination outlines. You then confirmed this in an e-mail to me. When we spoke again yesterday I told you that we were still trying to determine whether the Facebook employees would come to trial and you once again asked us to let you know as soon as possible.

Today I confirmed that Andrew Bosworth and Josh Wiseman – two of the numerous Facebook witnesses on both parties' video deposition list – would likely come to trial and told you that we were in the process of confirming that they could travel to Delaware for it. I can now confirm that Andrew Bosworth will appear live. Josh Wiseman is currently traveling out of the country and we will let you know as soon as possible whether he will be presented live.

Sincerely,  
Jeff

---

**From:** Hannah, James [mailto:jhannah@KSLAW.com]  
**Sent:** Saturday, July 10, 2010 6:29 PM  
**To:** Norberg, Jeffrey  
**Subject:** Leader v. Facebook

Jeff,

We just received word from Jeff Lamb that he will be attending trial. Accordingly, our live witnesses will be James Herbsleb, Giovanni Vigna, Michael McKibben and Jeffery Lamb as we disclosed to you on Wednesday. As you

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know, you have violated our previous agreement to disclose all live witnesses by Wednesday, July 7, 2010 by including Andrew Bosworth and Josh Wiseman as possible witnesses in your redline of the pretrial order. We request confirmation as to whether Andrew Bosworth and Josh Wiseman will be attending trial today. Otherwise, we will include this issue in our letter brief to the Court on Monday and will request an immediate hearing to resolve this issue.

James

**James Hannah**  
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