

EXHIBIT A

Norberg, Jeffrey

From: Hannah, James [jhannah@KSLAW.com]
Sent: Saturday, July 17, 2010 8:39 AM
To: Norberg, Jeffrey
Cc: 'Rovner, Philip A.'; Andre, Paul; Kobialka, Lisa
Subject: RE: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

Jeff,

In the spirit of cooperation, we will agree to your change of the title of the red line on slides 42, 47 and 48 to "One Year Before Patent Application Was Filed." Based on that change, we will withdraw our objections.

James

From: Hannah, James
Sent: Friday, July 16, 2010 4:12 PM
To: Norberg, Jeffrey
Cc: Rovner, Philip A.; Andre, Paul; Kobialka, Lisa
Subject: RE: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

Jeff,

I disagree with your characterizations. We did have a meet and confer in which I offered several reasons and the legal basis why slides 8-13, 18-23 and 51 should be removed and why slides 42, 47 and 48 should be revised. However, you insisted that we essentially provide you with a draft of our letter so that you may respond to our objections. As I told you, the Court required us to submit a Joint letter. Thus, Facebook must provide the Court with the basis for why its slides should be allowed as Facebook is offering them. Leader, at the same time, will provide the Court with the basis for why the slides should not be used.

With respect to your suggestions regarding edits to slides 42, 47 and 48, if you agree that the red bar will state "One Year Before Utility Patent Application Was Filed" and change the 2003 box to state '761 utility application filed, we will remove our objections to this slide. Since you have agreed to remove slide 51, the only issues for the Court to resolve involve slide 8-13 and 18-23. As we articulated today in Court and during our meet and confer and identified case law to support our position, these slides which purport to provide law to the jury is improper for opening statements. Furthermore, we disagree that slides 18-23 provide opinions provided by Facebook's expert.

As we discussed, we will coordinate at 9am tomorrow in order to submit the Joint letter to the Court. Let me know if you have any questions.

James

From: Norberg, Jeffrey [mailto:jnorberg@cooley.com]
Sent: Friday, July 16, 2010 3:26 PM
To: Hannah, James
Cc: Rovner, Philip A.; Andre, Paul; Kobialka, Lisa
Subject: RE: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

James,

In our call this afternoon, we were disappointed that you refused to specify the legal basis or cite any legal authority for your objections to our opening statement demonstratives after we took the trouble to strip them down to remove any possible objection.

In our ongoing effort to resolve the issues, we have agreed to withdraw Slide 51 entirely and we will rework the three timelines (Slides 42, 47, and 48) to which you objected to change the title of the red line to "One Year Before Patent Application Was Filed." The latter statement is entirely factual and part of the evidentiary record.

With regard to your objections to Slides 8-13, this is taken directly from the Court's claim construction ruling (without any editing) and thus it is perfectly appropriate. The highlighted terms of the claims in the patent in suit reflected in these slides are literally the words that the Court construed – therefore, there is no argument here.

Slides 18-23 are taken from the expert report of Dr. Kearns and thus fall directly within the letter of the Court's pre-instruction's under Course of Trial, (3): "Opening statements which are intended to explain to you what each side intends to prove and are offered to help you follow the evidence." This is precisely what these demonstratives do – they show what Facebook intends to prove through its expert and the demonstratives are part of the expert's report. This is evidence, not argument.

Last, we ask you to reconsider your objections and, at a minimum, provide us with the specific bases you have to continue objecting to our demonstratives.

Sincerely,

Jeff

From: Hannah, James [mailto:jhannah@KSLAW.com]
Sent: Friday, July 16, 2010 4:21 PM
To: Norberg, Jeffrey
Cc: Rovner, Philip A.; Andre, Paul; Kobialka, Lisa
Subject: RE: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

Sorry, misread it, we will get you our objections tonight then. We would like to talk first though still.

From: Norberg, Jeffrey [mailto:jnorberg@cooley.com]
Sent: Friday, July 16, 2010 1:18 PM
To: Hannah, James
Cc: Rovner, Philip A.; Andre, Paul; Kobialka, Lisa
Subject: RE: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

James,

The joint letter is due at 10:00 a.m. tomorrow – we need to know what your objections are tonight so we can (1) try to resolve them as the Court has requested; and (2) respond to any remaining objections Leader intends to assert by the Court's 10:00 a.m. deadline.

Jeff

From: Hannah, James [mailto:jhannah@KSLAW.com]
Sent: Friday, July 16, 2010 3:54 PM

To: Norberg, Jeffrey
Cc: Rovner, Philip A.; Andre, Paul; Kobialka, Lisa
Subject: RE: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

Jeff,

I think it makes sense for us to talk at 5:30pm, but it does not seem reasonable that we would get 3 hours to work on our objections while you would get nearly 24 hours to respond to ours. We will endeavor to get you our objections in the morning if any remain after we talk this afternoon.

James

From: Norberg, Jeffrey [mailto:jnorberg@cooley.com]
Sent: Friday, July 16, 2010 12:46 PM
To: Hannah, James
Cc: Rovner, Philip A.; Andre, Paul; Kobialka, Lisa
Subject: FW: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

James,

To facilitate the filing of tomorrow's joint letter, please provide your slide-by-slide objections, if any, no later than 5:00 tonight. I propose that we talk at 5:30 to see if we can resolve any objections.

Jeff

From: ded_nefreply@ded.uscourts.gov [mailto:ded_nefreply@ded.uscourts.gov]
Sent: Friday, July 16, 2010 2:41 PM
To: ded_ecf@ded.uscourts.gov
Subject: Activity in Case 1:08-cv-00862-LPS Leader Technologies Inc. v. Facebook Inc. Oral Order

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U.S. District Court

District of Delaware

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The following transaction was entered on 7/16/2010 at 2:40 PM EDT and filed on 7/16/2010

Case Name: Leader Technologies Inc. v. Facebook Inc.

Case Number: [1:08-cv-00862-LPS](#)

Filer:

Document Number: No document attached

Docket Text:

ORAL ORDER by Judge Leonard P. Stark: Having received Facebook's letter dated today, July 16, 2010 (D.I. [585]), Facebook is directed to provide a copy of its revised demonstrative exhibits to be used during its opening statement in electronic form (i.e., pptx or ppt) by 4:30 p.m. today, July 16, 2010, to both the Court and Leader. The submission to the Court must include a courtesy copy sent by email to Courtroom Deputy Ronald Golden. Should Leader continue to object to Facebook's proposed demonstratives to be used during its opening statement, the parties shall advise the Court by joint letter, not to exceed three pages, detailing their positions with respect to any remaining objections. Such letter shall be filed no later than 10:00 a.m. on July 17, 2010. The parties shall send a courtesy copy of their letter by email to Courtroom Deputy Ronald Golden. (rpg)

1:08-cv-00862-LPS Notice has been electronically mailed to:

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