

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

LEADER TECHNOLOGIES, INC., a
Delaware corporation,

Plaintiff-Counterdefendant,

v.

FACEBOOK, INC., a Delaware corporation,

Defendant-Counterclaimant.

Civil Action No. 08-862-JJF/LPS

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

3. If you found that Facebook did not literally infringe some or all of the claims of U.S. Patent No. 7,139,761 in 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 under the doctrine of equivalents.

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

5. If you answered "Yes" to Question 3, and for each claim you marked in Question 4, for each of the claim elements below, next to each element of each claim, mark whether you found the element to be literally met or whether you found that element was met under the doctrine of equivalents. Only answer as to claims you marked in Question 4.

Claim 1:

Element	Literal?	Equivalent?
A computer-implemented network-based system that	Literally present? ____	Equivalent present? ____

facilitates management of data, comprising:		
a computer-implemented context component of the network-based system for capturing context information associated with user-defined data created by user interaction of a user in a first context of the network-based system	Literally present? ____	Equivalent present? ____
the context component dynamically storing the context information in metadata associated with the user-defined data	Literally present? ____	Equivalent present? ____
the user-defined data and metadata stored on a storage component of the network-based system	Literally present? ____	Equivalent present? ____
a computer-implemented tracking component of the network-based system for tracking a change of the user from the first context to a second context of the network-	Literally present? ____	Equivalent present? ____

based system		
and dynamically updating the stored metadata based on the change	Literally present? ____	Equivalent present? ____
wherein the user accesses the data from the second context	Literally present? ____	Equivalent present? ____

Claim 4:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
The system of claim 1	Literally present? ____	Equivalent present? ____
the context information includes a relationship between the user and at least one of an application, application data, and user environment.	Literally present? ____	Equivalent present? ____

Claim 7:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
The system of claim 1	Literally present? ____	Equivalent present? ____
wherein the data created in the first context is associated with data created in the second context.	Literally present? ____	Equivalent present? ____

Claim 9:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
A computer-implemented method of managing data, comprising computer-executable acts of	Literally present? ____	Equivalent present? ____
creating data within a user environment of a web-based computing platform via user interaction with the user environment by a user using an application,	Literally present? ____	Equivalent present? ____
the data in the form of at least files and documents	Literally present? ____	Equivalent present? ____
dynamically associating metadata with the data	Literally present? ____	Equivalent present? ____
the data and metadata stored on a storage component of the web-based computing platform	Literally present? ____	Equivalent present? ____
the metadata includes information related to the user, the data, the application, and the user environment	Literally present? ____	Equivalent present? ____
tracking movement of the user from the user environment of	Literally present? ____	Equivalent present? ____

the web-based computing platform to a second user environment of the web-based computing platform		
dynamically updating the stored metadata with an association of the data, the application, and the second user environment	Literally present? ____	Equivalent present? ____
wherein the user employs at least one of the application and the data from the second environment	Literally present? ____	Equivalent present? ____

Claim 11:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
The method of claim 9	Literally present? ____	Equivalent present? ____
further comprising indexing content of the user environment such that a plurality of users can access the content from an associated plurality of user environments.	Literally present? ____	Equivalent present? ____

Claim 16:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
The method of claim 9	Literally present? ____	Equivalent present? ____
further comprising accessing the user environment via a portable web device	Literally present? ____	Equivalent present? ____

Claim 21:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
A computer-readable medium for storing computer-executable instructions for a method of managing data, the method comprising:	Literally present? ____	Equivalent present? ____
creating data related to user interaction of a user within a user workspace of a web-based computer platform using an application	Literally present? ____	Equivalent present? ____
dynamically associating metadata with the data	Literally present? ____	Equivalent present? ____
the data and metadata stored on the web-based computing platform	Literally present? ____	Equivalent present? ____
the metadata includes information related to the user	Literally present? ____	Equivalent present? ____

of the user workspace, to the data, to the application, and to the user workspace		
tracking movement of the user from the user workspace to a second user workspace of the web-based computing platform	Literally present? ____	Equivalent present? ____
dynamically associating the data and the application with the second user workspace in the metadata	Literally present? ____	Equivalent present? ____
such that the user employs the application and data from the second user workspace	Literally present? ____	Equivalent present? ____
indexing the data created in the user workspace	Literally present? ____	Equivalent present? ____
such that a plurality of different users can access the data via the metadata from a corresponding plurality of different user workspaces.	Literally present? ____	Equivalent present? ____

Claim 23:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
A computer-implemented system that facilitates management of data, comprising:	Literally present? ____	Equivalent present? ____
a computer-implemented context component of a web-based server for defining a first user workspace of the web-based server	Literally present? ____	Equivalent present? ____
assigning one or more applications to the first user workspace	Literally present? ____	Equivalent present? ____
capturing context data associated with user interaction of a user while in the first user workspace	Literally present? ____	Equivalent present? ____
and for dynamically storing the context data as metadata on a storage component of the web-based server	Literally present? ____	Equivalent present? ____
which metadata is dynamically associated with data created in the first user workspace;	Literally present? ____	Equivalent present? ____

a computer-implemented tracking component of the web-based server for tracking change information associated with a change in access of the user from the first user workspace to the second user workspace	Literally present? ____	Equivalent present? ____
dynamically storing the change information on the storage component as part of the metadata	Literally present? ____	Equivalent present? ____
wherein the user accesses the data from the second user workspace	Literally present? ____	Equivalent present? ____

Claim 25:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
The system of claim 23	Literally present? ____	Equivalent present? ____
wherein the context component captures relationship data associated with a relationship between the first user workspace and at least one other user workspace.	Literally present? ____	Equivalent present? ____

Claim 31:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
The system of claim 23	Literally present? ____	Equivalent present? ____
Wherein the storage component stores the data and the metadata according to at least one of a relational and an object storage methodology.	Literally present? ____	Equivalent present? ____

Claim 32:

<u>Element</u>	<u>Literal?</u>	<u>Equivalent?</u>
The system of claim 23	Literally present? ____	Equivalent present? ____
Wherein storing of the metadata in the storage component in association with data facilitates many-to-many functionality of the data via the metadata.	Literally present? ____	Equivalent present? ____

Control or Direction

6. With respect to its direct infringement claim against Facebook, has Leader shown by a preponderance of the evidence that Facebook controls or directs the accused actions of Facebook end users. *Answer this question regarding infringement with a “yes” or “no.” A “yes” is a finding for Leader, a “no” is a finding for Facebook.*

YES ____

NO ____

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

7. 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 asserted claim 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 Defenses

On-Sale Bar

8. 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 the alleged invention was the subject of an invalidating offer of sale? *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

9. 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 the alleged invention was the subject of an invalidating public use? *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

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 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. 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 Swartz

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 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. 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 Hubert

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 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. 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: _____	

Obviousness

16. 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 _____

17. 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: _____	