

**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

VERDICT FORM

A. Leader’s Patent Infringement Claims Against Facebook

1. Literal Infringement

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?

YES _____

NO _____

a. 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: _____	

2. Infringement Under the Doctrine of Equivalents

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?

YES _____ NO _____

- a. 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: _____	

3. Control or Direction

With respect to its infringement claims against Facebook with respect to claims 9, 11, and 16, has Leader shown by a preponderance of the evidence that Facebook controls or directs the accused actions of Facebook end users and/or Facebook employees?

- a. Facebook end users YES _____ NO _____
- b. Facebook employees YES _____ NO _____

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

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?

YES _____

NO _____

- a. 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: _____	

B. Facebook’s Patent Invalidation Defenses

1. On-Sale Bar

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?

YES _____

NO _____

2. Prior Public Use

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?

YES _____

NO _____

3. Anticipation by iManage

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”)?

YES _____ NO _____

- a. 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: _____	

4. Anticipation by Swartz

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”)?

YES _____ NO _____

- a. 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: _____	

5. Anticipation by Hubert

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”)?

YES _____

NO _____

- a. 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: _____	

6. Obviousness

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?

YES _____

NO _____

- a. 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: _____	

Signatures

Date _____

FOREPERSON

