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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LEADER TECHNOLOGIES INC., a : C.A. NO.08-862-LPS
Delaware corporation. : July 28, 2010
:
Plaintiff, : 11:37 O'clock a.m.
:
v. :
:
FACEBOOK, Inc., a Delaware :
corporation. :
:
Defendant.

.....

TRANSCRIPT OF VERDICT
BEFORE THE HONORABLE LEONARD P. STARK
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: POTTER, ANDERSON & CORROON.

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BY: PHILIP ROVNER, ESQ.
-and-
KING & SPALDING LLP.
BY: PAUL ANDRE, ESQ.
BY: JAMES HANNAH, ESQ.
BY: LISA KOBIALKA, ESQ

-

For the Defendant: BLANK ROME LLP.

BY: STEVEN L. CAPONI, ESQ.

-and-

COOLEY, GODWARD & KRONISH, LLP.

BY: HEIDI L. KEEFE, ESQ.

BY: MARK WEINSTEIN, ESQ.

BY: MIKE RHOADES, ESQ.

BY: JEFFREY NORBERG, ESQ.

BY: ELIZABETH STAMESHKIN, ESQ

Court Reporter: LEONARD A. DIBBS

Official Court Reporter

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P R O C E E D I N G S is you /UZ /UZ /SAOEURBDZ

THE COURT: Good morning. Be seated, everybody.

THE LAWYERS: Good morning your Honor.

As we notified the parties by the phone, the jury has indicated they have a verdict.

If nobody has any strenuous objections, I'm going to bring the jury in and hear what the verdict is.

Mr. Golden.

(At this time, the jury entered the courtroom.)

THE COURT: Good morning, ladies and gentlemen.

THE JURY: Good morning.

THE COURT: I've been informed that you have reached a verdict.

I ask the Foreperson, is it true you have reached a verdict?

THE FOREPERSON: Yes.

THE COURT: I'm going to have my deputy go forward and get the verdict from you.

(The verdict sheet was handed over to the clerk.)

THE COURT: For the record, I have opened the verdict form. I'm now handing it to my deputy to read the verdict.

THE CLERK: For the record, I have received a copy of the original verdict form in the case of Leader Technology, Inc., versus Facebook, Civil Action 08-862-LPS

1 The verdict form states under section A. Leader's
2 Patent Infringement Claims against Facebook.

3 Subsection 1, literal infringement.

4 Do you find that Leader has proven by a preponderance
5 of the evidence that Facebook has literally infringed each and
6 every element of any of the asserted claims of U.S. patent
7 number 7,139,761?

8 The jury has checked the box yes.

9 Subsection A, under subsection 1 says if you answered
10 yes, please place a check mark next to the claims you found to
11 be infringed.

12 Claim 1, there's a blue x next to it.

13 Claim 4, blue x.

14 Claim 7, x.

15 Claim nine, x.

16 Claim 11, x.

17 Claim 16, x.

18 Claim 21 x.

19 Claim 23, x.

20 Claim 25, x.

21 Claim 31, x.

22 Claim 32, x.

23 Subsection 2 reads infringement under the Doctrine of
24 Equivalents.

25 If you found that Facebook did not literally infringe

1 some or all of the claims of U.S. Patent Number 7,129,761 in
2 question 1, do you find that Leader has proven by a
3 preponderance of the evidence that Facebook has infringed any of
4 those claims under the Doctrine of Equivalents?

5 The box is checked no.

6 Under subsection A, subsection 2, all the boxes are
7 obviously not checked.

8 Subsection 3, Control or Direction.

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

14 Subsection A, Facebook end users. The box no has been
15 checked.

16 Subsection B, Facebook employees. The box no has been
17 checked.

18 Subsection 4, Priority Date of U.S. patent number
19 7,139,761.

20 Do you find that Leader has proven by a preponderance
21 of the evidence that U.S. Patent Application No. 60/432255 (the
22 Provisional Application) fully discloses each and every element
23 of any asserted claim of U.S. Patent No. 7,129,761?

24 The box no has been checked.

25 Under subsection A. If you answered yes, please mark

1 the asserted claims of U.S. Patent No. 7,139,761 for which you
2 found that each and every element was fully disclosed by the
3 Provisional Application.

4 None of those boxes are checked.

5 Subsection B. Facebook's Patent Invalidity Defenses.

6 Subsection 1, On-Sale Bar.

7 Do you find that Facebook has proven by clear and
8 convincing evidence that the asserted claims of U.S. Patent No.,
9 7,129,761 are invalid because the alleged invention was the
10 subject of an invalidating offer of sale?

11 The box yes has been checked.

12 Subsection 2, Prior Public Use.

13 Do you find that Facebook has proven by clear and
14 convincing evidence that the asserted claims of U.S. Patent No.,
15 7,139,761 are invalid because the alleged invention was the
16 subject of an invalidating public use?

17 The box yes has been checked.

18 Section 3, Anticipation by iManage.

19 Do you find that Facebook has proven by clear and
20 convincing evidence that any of the asserted claims of U.S.
21 Patent No. 7,139,761 are invalid because they are anticipated by
22 iManage DeskSite 6.0 iManage?

23 The box no has been checked.

24 Subsection A, if you answered yes, please mark the
25 claims that you found to be anticipated.

1 None of those boxes are checked.

2 Section 4, Anticipation by Swartz.

3 Do you find that Facebook has proven by clear and
4 convincing evidence that any of the asserted claims of U.S.
5 Patent No. 7,129,761 are invalid because they are anticipated by
6 U.S. Patent No. 6,236,994 (Swartz)?

7 The box no has been checked.

8 If you answered yes, please mark the claims that you
9 found to be anticipated.

10 None of those boxes are checked.

11 Section 5, Anticipation by Hubert.

12 Do you find that Facebook has proven by clear and
13 convincing evidence that any of the asserted claims U.S. Patent
14 No. 7,129,761 are invalid because they are anticipated by
15 European Patent Application No. EP 1 087 306 A2 or U.S. Patent
16 No. 7,590,934 B2 (Hubert)?

17 The box no has been checked.

18 Under subsection A, if you answered yes, please mark
19 the claims that you found to be anticipated.

20 None are checked.

21 Section 6, Obviousness.

22 Do you find that Facebook has proven by clear and
23 convincing evidence that any of the claims of U.S. Patent No.
24 7,129,761 are invalid on the ground of obviousness?

25 The box no has been checked.

1 Subsection A, if you answered yes, please mark the
2 claims that you found to be obvious.

3 None of them are checked.

4 THE CLERK: For the record, the signatures of the
5 jurors appear at the end of the form.

6 THE COURT: Thank you, Mr. Golden.

7 Mr. Andre, do you have any applications?

8 MR. ANDRE: I would like to have the jury polled, your
9 Honor.

10 THE COURT: Mr. Golden, poll the jury.

11 THE CLERK: Juror number 1, is the verdict read in open
12 court true and accurate and your vote?

13 JUROR NO. 1: Yes.

14 THE CLERK: Juror number 2, was the verdict read in
15 open court true and accurate and supported by your vote?

16 JUROR NO 2: Yes.

17 THE CLERK: Juror number 3, was the verdict read in
18 open court true and accurate and supported by your vote?

19 JUROR NO. 3: Yes.

20 THE CLERK: Juror number 4, was the verdict read in
21 open court true and accurate and supported by your vote?

22 JUROR NO. 4: Yes.

23 THE CLERK: Juror number 5, was the verdict read in
24 open court true and accurate and supported by your voted?

25 JUROR NO. 5: Yes.

1 THE CLERK: Juror number 6, was the verdict read in
2 open court and true and accurate and supported by your vote?

3 JUROR NO. 6: Yes.

4 THE CLERK: Juror number 7, was the verdict read in
5 open court true and accurate and supported by your vote?

6 JUROR NO. 7: Yes.

7 THE CLERK: Juror number 8, was the verdict read in
8 open court true and accurate and supported by your vote?

9 JUROR NO. 8: Yes.

10 THE CLERK: Thank you.

11 THE COURT: Thank you very much, ladies and gentlemen
12 of the jury.

13 On behalf of the parties, the attorneys, the court, my
14 colleagues, myself, I want to thank you very, very much for your
15 time and diligence, your patience and your service.

16 There are a few matters that I would like to discuss
17 with you back in the jury room.

18 You are not entirely free to go yet. But that moment
19 is almost here.

20 Again, I do want to thank you very much. We'll have
21 Mr. Golden show you back to the jury room and you can start to
22 collect your things, and I will see you momentarily back there.

23 (At this time, the jury left the courtroom.)

24 THE COURT: You can all be seated.

25 I'm going to go back and meet with the jury. I will

1 ask them if any of them are willing to stick around to talk with
2 the attorneys. If you do wish to talk with the jurors though,
3 you need to state for me on the record that nothing you hear
4 back there is going to be used in a post trial motion or in that
5 appeal.

6 If you are prepared to abide by those terms, I'll let
7 up to three people from each side come back and join me to talk
8 to the jurors. Mr. Andre?

9 MR. ANDRE: We'll abide by those terms.

10 THE COURT: Mr. Rhoades?

11 MR. RHOADES: We have no reason to talk to the jury,
12 but we accept your terms.

13 THE COURT: I will go back and get the conversation
14 started to see if any of them wish to stay and meet with you
15 all.

16 Mr. Golden will come in and bring you back there.

17 We'll stand in recess for now.

18 (At this time, court stood in recess.)

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