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August 2, 2010

BY E-FILE AND HAND DELIVERY

The Honorable Leonard P. Stark
U.S. District Court for the District of Delaware
U.S. Courthouse
844 N. King Street
Wilmington, DE 19801-3556

Re: Leader Technologies, Inc. v. Facebook, Inc., C. A. No. 08-862-LPS

Dear Judge Stark:

Pursuant to your July 28 instructions, Leader Technologies, Inc. (“Leader”) and Facebook, Inc. (“Facebook”) jointly propose the following schedule for post-trial briefing in the above captioned matter.

- Motions under Federal Rule of Civil Procedure 50(b) and/or 59 (including any objections that expert testimony presented at trial was beyond the scope of an expert report), and opening briefs in support of any such motions shall be served and filed no later than August 25, 2010;
- Answering briefs in opposition to any such motions shall be served and filed no later than September 15, 2010;
- Reply briefs shall be served and filed no later than September 27, 2010.

Facebook proposes finalizing the briefing regarding Facebook’s Motion for Summary Judgment No. 1 (D.I. 382) regarding invalidity under 35 U.S.C. § 112 and *IPXL Holdings, L.L.C. v. Amazon, Inc.*, 430 F.3d 1377 (Fed. Cir. 2005) as follows: Leader’s answering brief in opposition due on August 25, 2010, and Facebook’s reply brief due on September 15, 2010. Leader proposes delaying the briefing schedule on all summary judgment motions until after the post-trial motions are decided by the Court. However, if the Court requests briefing on the summary judgment motions prior to when the post-trial briefing is decided, Leader proposes that its opposition brief should be due in mid-September, and not on the same day as its Rule 50 and 59 motion.

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After further consideration, the parties do not believe the case is appropriate for mediation with Magistrate Judge Thyng at this time. Additionally, the parties reserve the right to bring motions related to bifurcated issues, motions to tax costs, and motions for a finding that the case is exceptional, until after the Court rules upon the parties' Rule 50 and 59 motions.

Respectfully,

/s/ Philip A. Rovner

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