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BY ELECTRONIC FILING

The Honorable Leonard P. Stark
U.S. District Court for the District of Delaware
844 N. King Street, Unit 26, Room 6100
Wilmington, DE 19801-3556

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

Dear Judge Stark:

Earlier today, Leader improperly filed a letter to the Court (D.I. 638) in which it asked the Court to strike certain of Facebook's motions for judgment as a matter of law. Leader's letter violates Local Rule 7.1.2(a), which requires that all requests for relief be presented to the Court by motion unless otherwise authorized. Leader presents no argument as to why the Local Rules should be suspended with respect to its motion, nor does it explain why Leader could not present its arguments in its oppositions to Facebook's motions as provided for in the current schedule (D.I. 613). Facebook therefore objects to Leader's letter and asks that it be rejected by the Court.

To the extent the Court is willing to consider Leader's motion in its current form, Facebook notes that Leader's claim that Facebook is limited to filing a single motion for judgment as a matter of law lacks any legal support. Neither the Delaware Local Rules nor the Federal Rules of Civil Procedure limit parties to a single motion for judgment as a matter of law. Indeed, it is common practice in Delaware for a single party to file multiple separate motions for judgment as a matter of law. *See Dow Chemical Co. v. Nova Chemicals Corp.*, 1:05-cv-00737-LPS (D.I. 553-555) (3 motions filed by Nova Chemicals, represented by the Potter Anderson firm (local counsel for Leader), totaling 55 pages); *CIF Licensing, LLC v. Agere Sys. Inc.*, 1:07-cv-00170-LPS (D.I. 403-411) (5 motions); *Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc.*, 1:04-cv-01371-LPS (D.I. 613-616) (4 motions); *Fisher-Price Inc. v. Safety 1st Inc.*, 1:01-cv-00051-GMS (D.I. 511-512) (2 motions); *Martek Biosciences Corp. v. Nutrinova Inc.*,

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Page 2

1:03-cv-00896-GMS (D.I. 280-287) (4 motions). In light of this, it is not surprising that Leader was unable to cite even one case supporting its claim that the parties are limited to a single motion.

Regarding Leader's claim that Facebook's motions include issues that are not appropriate for a Rule 50(b) motion, it is unclear why Leader believes it is necessary to address these issues outside of the briefing schedule already established by the Court (D.I. 613). Facebook therefore respectfully requests that it be allowed to respond to these issues, to the extent raised by Leader in its oppositions, in Facebook's reply briefs that will be filed on September 27. Alternatively, if the Court believes it would be helpful to address these issues outside the context of the previously set briefing schedule, Facebook respectfully requests that it be allowed five days to file a detailed substantive response to Leader's letter.

Respectfully submitted,

/s/ Steven L. Caponi

Steven L. Caponi (I.D. No. 3484)

SLC:pf

cc: Philip A. Rovner, Esquire – by e-service
Paul J. Andre, Esquire – by email