

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

LEADER TECHNOLOGIES, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 08-862-LPS
	:	
FACEBOOK, INC.,	:	
	:	
Defendant.	:	

ORDER

At Wilmington this **31st day of August, 2010.**

Having reviewed the parties' letters to the Court of August 30, 2010 (D.I. 638;

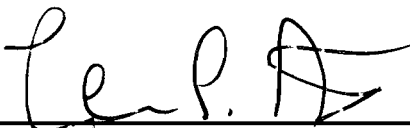
D.I. 639), IT IS HEREBY ORDERED THAT:

1. The Court construes Leader's letter as a motion to strike three of the four Facebook motions for judgment as a matter of law.
2. Leader's motion to strike is DENIED. Leader's letter is procedurally improper. Absent a specific order to the contrary, of which there is none in this case, any request for relief must be made by motion. *See* D. Del. LR 7.1.2(a). Leader's concerns could have been appropriately presented to the Court through a motion to strike and/or motion for leave to exceed page limits and, if necessary, a motion seeking imposition of an expedited briefing schedule for disposition of such motion(s).
3. Regardless of the procedural posture, Leader's motion also lacks merit. Neither the Local Rules nor the Federal Rules of Civil Procedure limit parties to a single motion for judgment as a matter of law. Accordingly, absent a specific order to the contrary entered in this

case or an applicable standing order – neither of which is present here – a party may file more than one motion for judgment as a matter of law.

4. Most of the concerns raised in Leader’s letter relate to the merits of Facebook’s motions. Leader has a full and fair opportunity to present these concerns in its response(s) to Facebook’s motions, which shall be filed according to the schedule previously imposed.

Delaware counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.


UNITED STATES DISTRICT JUDGE