

# EXHIBIT E

**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

**DEFENDANT FACEBOOK, INC.’S NOTICE OF DEPOSITION OF DEFENDANT LEADER  
TECHNOLOGIES, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)**

**NOTICE IS HEREBY GIVEN** pursuant to Federal Rule of Civil Procedure 30 that Defendant and Counterclaimant FACEBOOK, INC. (“Facebook”) will take deposition upon oral examination of Plaintiff and Counterdefendant LEADER TECHNOLOGIES, INC. (“LTI” or “Plaintiff”) at a time and place to be agreed upon, and continuing from day to day thereafter until completed. The deposition will be recorded by a certified stenographic reporter. Facebook may also record the deposition by videotape and through the instant visual display of the testimony (i.e., LiveNote).

**NOTICE IS HEREBY FURTHER GIVEN** pursuant to Federal Rule of Civil Procedure 30(b)(6) that LTI shall designate and produce one or more of their officers, employees, managing agents, or other such persons as are most qualified, knowledgeable, and competent to testify on LTI’s behalf as to all matters known or reasonably available to LTI regarding the subjects set forth in Exhibit A, Section II below, in accordance with the Definitions set forth in the attached Exhibit A, Section I below.

## **EXHIBIT A**

### **I. DEFINITIONS**

1. “Any” shall be understood to include and encompass “all.”
2. The singular shall always include the plural and the present tense shall also include the past tense.
3. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of this request all documents or things that that might otherwise be construed to be outside its scope.
4. “Person” and “persons” mean both natural persons and legal entities, including, without limitation, corporations, companies, firms, partnerships, joint ventures, proprietorships, associations, and governmental bodies or agencies. Unless noted otherwise, references to any person, entity or party herein include its, his or her agents, attorneys, employees, employers, officers, directors, or others acting on behalf of said person, entity, or party.
5. “Relate” or “refer” or any variants thereof, when used in connection with any document, shall be understood to apply if the document directly or indirectly evidences, mentions, discusses, constitutes, concerns, supports, contradicts, refers to, or in any other way deals with the subject matter described in the request in which the term appears.
6. “Document” shall have the broadest meaning ascribed to it by Federal Rule of Civil Procedure 34 and Federal Rule of Evidence 1001.
7. “Communication” means any contact, oral or documentary, formal or informal, at any place or under any circumstances whatsoever whereby information of any nature is transmitted or transferred, including, without limitation, a single person seeing or hearing any information by any means.
8. “LTI,” “Plaintiff,” “You,” and “Your” mean Leader Technologies, Inc., its directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants,

employees, investigators, attorneys, and all other persons and entities representing it or acting on its behalf.

9. “Facebook” means Facebook, Inc.

10. “Litigation” means the action commenced in the District of Delaware (No. 08-cv-862-JJF/LPS) and any actions between the parties.

11. “Persons with knowledge” means any persons (1) who observed or witnessed the event or communication in question; (2) who participated in the event in question; or (3) who discussed the event or communication in question with a person meeting the description in (1) or (2) herein.

12. “Patent-in-suit” and “’761 patent” both mean United States Patent No. 7,139,761.

13. “Leader2Leader” shall be understood to include the LTI product and/or service referred to by LTI as “Leader2Leader,” “L2L,” “Leader2Leader® powered by Digital Leaderboard®,” and/or “Leader’s Enterprise Social Networking technology.”

14. “Prior Art” means any document, action, or information that satisfies, or potentially satisfies, any of the prior art provisions of 35 U.S.C. § 100, et seq., e.g., §§ 102, 103.

15. “Infringe” or any variant thereof refers to any infringement whether direct, contributory, or by inducement.

16. “Complaint” means the complaint filed by LTI in this Litigation.

## **II. DEPOSITION TOPICS.**

Pursuant to Rule 30(b)(6), LTI is required to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf as to the following topics:

1. For each claim of the ’761 patent that LTI contends is infringed by Facebook, the circumstances surrounding the alleged invention of the claim, including, for example, the precise date of conception; the persons involved and the nature of their involvement; the date of actual or constructive reduction to practice; the date and circumstances of first experimental or test use; the date and circumstances of first public disclosure; the date and circumstances of the first offer

to sell or sale; and the steps constituting diligence from conception to actual or constructive reduction to practice.

**2.** LTI's relationship to the named inventors of the '761 Patent, including any contractual or consulting arrangements.

**3.** The sales and alleged commercial success of LTI products and/or services, including the number and identity of LTI customers, the identity and quantity of LTI products and/or services that have been sold or otherwise provided to customers, and all revenue, profits or losses derived or resulting from such LTI products and/or services.

**4.** Any analysis performed by LTI relating to the market or evaluation of competitors or potential competitors.

**5.** The conception, design, research, experimental work, development, reduction to practice, examination, analysis, testing, evaluation, sales, marketing and public use of each version of each LTI product, including Leader2Leader.

**6.** Any Prior Art of which LTI is aware that concerns, discloses, describes or claims any alleged invention disclosed, described or claimed in the '761 Patent.

**7.** All available or potentially available substitutes or non-infringing alternatives (whether acceptable or unacceptable) to the technology claimed in the '761 Patent.

**8.** Sales, offers to sell or license, or plans to market or sell or license the alleged invention of the '761 Patent or products and/or services utilizing any alleged invention of the '761 Patent.

**9.** Any consideration, efforts, or attempts to assign, sell, transfer or license the '761 Patent or any patents related thereto.

**10.** Any damages, lost profits, or other injury that LTI claims to have suffered as a result of Facebook's alleged infringement of the '761 Patent.

**11.** Any costs or expenditures LTI claims to have incurred as a result of Facebook's alleged infringement of the '761 Patent.

**12.** LTI's first knowledge or awareness of Facebook.

- 13.** LTI's decision to commence litigation against Facebook.
- 14.** The identity of each version or each LTI product and/or service that LTI contends practices one or more asserted claims of the '761 Patent, including Leader2Leader, and the manner in which such product and/or service allegedly practices the claimed invention.
- 15.** The design, development, operation, testing, evaluation, promotion, marketing and sales of each version of any LTI product that LTI contends practices one or more asserted claims of the '761 Patent, including Leader2Leader.
- 16.** LTI's efforts to mark its product with the '761 Patent, including the identity of each product and/or service that was marked and the analysis, if any, by which the decision to mark such product and/or service was reached.
- 17.** Any copyright registrations filed by LTI relating to LTI's products.
- 18.** Any Communication with any third party concerning the '761 Patent, this Litigation, potential litigation against any party involving the '761 Patent, including the identity of any third parties who signed or were asked to sign non-disclosure agreements relating to any of the foregoing.
- 19.** All potential and/or actual investments in or funding of the costs of this Litigation or any potential litigation against any party involving the '761 Patent, and all related Communications.
- 20.** The history and organizational structure of LTI and all of its subsidiaries and/or related companies, including the identity of any principals, officers and investors of LTI during its history.
- 21.** LTI's relationship with Computer Wizards Consulting, Inc.
- 22.** Any factual basis for LTI's contention that Facebook has induced others to infringe the '761 Patent, as set forth in the Complaint at ¶ 9.
- 23.** Any factual basis for LTI's contention that Facebook has contributorily infringed the '761 Patent, as set forth in the Complaint at ¶ 9.
- 24.** Any factual basis for LTI's contention of willful infringement of the '761 Patent,

as set forth in the Complaint at ¶ 9.

**25.** Any factual basis for LTI's contention that it is entitled to a permanent injunction against Facebook, as set forth in the Complaint at ¶ 10.

**26.** Any policy LTI has in place regarding retention of Documents.

**27.** Any destruction of Documents by LTI, or by any third party at LTI's request, where said Documents related in any manner to the Litigation.

**28.** Your collection and production of responsive information, documents, communications and things responsive to Facebook's discovery requests, including but not limited to the persons responsible for and involved in your document collection and production; actions taken to locate and produce responsive information, documents, communications and things; files and locations that were searched for responsive information, documents, communications and things; and communications relating thereto.

Dated: February 8, 2010

By: /s/ Melissa H. Keyes

Heidi L. Keefe (pro hac vice)  
Mark R. Weinstein (pro hac vice)  
Jeffrey Norberg (pro hac vice)  
Melissa H. Keyes (pro hac vice)  
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*Counsel for Facebook, Inc.*

**CERTIFICATE OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

I am employed in the County of Santa Clara, State of California. I am over the age of 18 and not a party to the within action. My business address is 3000 EI Camino Real, Five Palo Alto Square, Palo Alto, CA 94306.

On February 8, 2010, I served the following document:

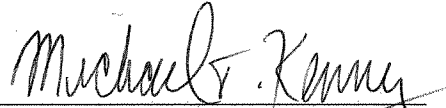
**DEFENDANT FACEBOOK, INC.'S NOTICE OF DEPOSITION OF DEFENDANT LEADER TECHNOLOGIES, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)**

on the interested parties in this action follows:

<p><b><u>BY E-MAIL:</u></b></p> <p>Paul J. Andre, Esq. Lisa Kobialka, Esq. James Hannah, Esq. King &amp; Spalding 333 Twin Dolphin Drive, Suite 400 Redwood Shores, CA 94065</p> <p>pandre@kslaw.com lkobialka@kslaw.com jhannah@kslaw.com</p>	<p><b><u>BY E-MAIL:</u></b></p> <p>Philip A. Rovner, Esq. Potter Anderson &amp; Corroon LLP P.O. Box 951 Wilmington, DE 19899-0951</p> <p>provner@potteranderson.com</p>
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**[XX] BY ELECTRONIC MAIL:** I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed above.

I declare that I am employed in the office of a member of the bar of this Court at whose directions the service was made. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 8, 2010 at Palo Alto, California.

  
Michael Kenny