

EXHIBIT C

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

LEADER TECHNOLOGIES, INC., a Delaware corporation,)	
)	CIVIL ACTION
)	
Plaintiff and Counterdefendant,)	No. 1:08-cv-00862-JJF
)	
v.)	
)	
FACEBOOK, INC., a Delaware corporation,)	
)	
Defendant and Counterclaimant.)	
_____)	

EXPERT REPORT OF SAUL GREENBERG, PH.D

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Dated: April 8, 2010

have neglected to list any materials on Exhibit B that I have reviewed, they are identified in this Report.

24. To the extent a term was not construed by the Court in the Order issued on March 9, 2010, or for which the Court indicated that no separate construction was necessary, I have applied a meaning that one of ordinary skill in the art could give to that term. Otherwise, I have applied the terms in my analysis as set forth in the Order.

VIII. OVERVIEW OF THE '761 PATENT

25. The '761 patent, entitled “Dynamic Association of Electronically Stored Information With Iterative Workflow Changes,” states that its field of invention “relates to management and storage of electronic information. More particularly, this invention relates to new structures and methods for creating relationships between users, applications, files, and folders.” [’761 Patent, Col. 1:20]¹. In filing the application for the '761 patent, the applicants stated in the Background that prior art systems were limited because they did not know the “context” in which files were created or used:

“Prior art communications tools do not know the business and/or personal context(s) within which files are created and used. For example, a person may create three files in a word processor, one relating to sales, the second relating to operations, and the third relating to a son's football team. However, the word processor itself has no way of knowing to automatically store those three files in at least three different places.” [’761 Patent, Col. 2:6]

The Background of the '761 patent goes on to emphasize how the prior art is limited as it creates and stores files outside of a contextual framework, e.g., within a conventional file/folder system:

¹ Throughout my Report, I quote from columns and lines of certain U.S. or foreign patent references, specifically the '761 patent and the prior art references. My citations following such quotations will generally conform to the following format: [xxx Patent, Col. a:b], where “a” and “b” identify the column and line, respectively, where the quotation may be found in the cited document.

“Known software applications create and store files outside of a contextual framework. For example, when a user creates a word processing file using a conventional word processor application, the user typically must select a single folder within which to store that file. The file may be stored in an existing folder or the user may create a new folder to receive the file.... Under this scheme, context is completely independent of the application. File context is limited to the decision made by the user about the folder in which the file should be stored. The user decision does not adequately represent or reflect the true context of the file given that the file may contain information that could reasonable be stored in multiple folders.” [‘761 Patent, Col. 2:17].

26. The ‘761 patent then summarizes the perceived need for a tool that automatically associates application files with various contexts:

“Notwithstanding the usefulness of the above-described methods, a need still exists for a communications tool that associates files generated by applications with individuals, groups, and topical context automatically.” [‘761 Patent, Col. 3:1].

27. The ‘761 patent then describes a computer-implemented system or computer-implemented method that supposedly meets this need. Independent claim 1, reproduced below, is illustrative of the applicants’ approach.

1. A computer-implemented network-based system that facilitates management of data, comprising:

a computer-implemented context component of the network-based system for capturing context information associated with user-defined data created by user interaction of a user in a first context of the network-based system, the context component dynamically storing the context information in metadata associated with the user-defined data, the user-defined data and metadata stored on a storage component of the network-based system; and

a computer-implemented tracking component of the network-based system for tracking a change of the user from the first context to a second context of the network-based system and dynamically updating the stored metadata based on the change, wherein the user accesses the data from the second context.

The process outlined in claim 1 above can be paraphrased as a three-step computer-implemented process running on a network-based system. First, as a user interacts within a “first context” to define/create some data, a *context component* captures *context information* associated with the

data, and *dynamically stores* that information as *metadata* associated with that data. Second, when the user changes from the “first context” to a “second context,” a *tracking component* tracks that change and *dynamically updates* the stored *metadata* based on that change. Third, the user accesses the data from the second context into which the user has moved.

28. The other independent claims asserted in this litigation (i.e. claims 9, 21 and 23) are, generally speaking, variations on claim 1 with similar requirements but using somewhat different terminology. To the extent the differences between claim 1 and the other asserted independent claims are significant to the invalidity analysis presented in this Report, such differences are reflected in my more detailed analysis below.

IX. OVERVIEW OF BACKGROUND ART

29. One of the concepts appearing in the claims of the '761 patent is the capture and storage of contextual information as metadata associated with user data, and tracking actions by users over time. These concepts were basic and well-known in computer science long before the '761 patent was filed. The paragraphs below provide a partial list of this background art.

A. Audit Trails

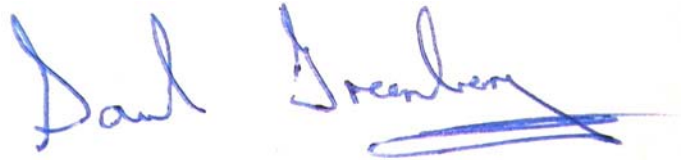
30. One common technology of capturing data associated with user data and tracking actions over time is the audit trail. *Microsoft Computer Dictionary* (a popular dictionary for computer science terms), for example, defines an audit trail as follows:

Audit trail. *n.* In reference to computing, a means of tracing all activities affecting a piece of information, such as a data record, from the time it is entered into a system to the time it is removed. An audit trail makes it possible to document, for example, who made changes to a particular record and when. [*Microsoft Computer Dictionary*, 3d Ed. (1997) at 36].

Executed this 3rd day of April 2010.

I declare that to the best of my knowledge the foregoing is true and correct as to the facts stated and my opinions as expressed.

By:

A handwritten signature in blue ink that reads "Saul Greenberg". The signature is written in a cursive style with a prominent horizontal stroke at the end.

Saul Greenberg, Ph.D.

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 April 8, 2010, I served the following document:

EXPERT REPORT OF SAUL GREENBERG, PH.D

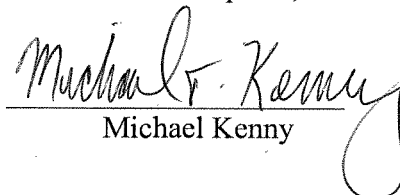
on the interested parties in this action follows:

<p><u>BY E-MAIL:</u></p> <p>Paul J. Andre, Esq. Lisa Kobialka, Esq. James Hannah, Esq. King & Spalding 333 Twin Dolphin Drive, Suite 400 Redwood Shores, CA 94065</p> <p>pandre@kslaw.com lkobialka@kslaw.com jhannah@kslaw.com</p>	<p><u>BY E-MAIL:</u></p> <p>Philip A. Rovner, Esq. Potter Anderson & 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.

[XX] BY OVERNIGHT MAIL: I served the exhibits to the Report the the above parties by Federal Express. I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for overnight delivery, and I caused such documents described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

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 April 8, 2010 at Palo Alto, California.


Michael Kenny