

# **EXHIBIT E**

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

LEADER TECHNOLOGIES, INC.,	)	
a Delaware corporation,	)	
	)	Civil Action No. 1:08-cv-08-862-JJF
Plaintiff,-Counterdefendant,	)	
	)	
v.	)	<b>DISCLOSURE OF EXPERT</b>
	)	<b>TESTIMONY FOR GIOVANNI</b>
FACEBOOK, INC.,	)	<b>VIGNA, PH.D. PURSUANT TO</b>
a Delaware corporation,	)	<b>FED. R. CIV. P. 26(A)(2)</b>
	)	
Defendant-Counterclaimant	)	
	)	

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Plaintiff Leader Technologies, Inc. (“Leader”) submits the following disclosure of expert testimony for Giovanni Vigna, Ph.D. pursuant to Federal Rules of Civil Procedure 26(a)(2). This expert is engaged in ongoing refinement of his opinions and expected testimony, and Leader specifically reserves the right to modify or supplement the information contained in this disclosure pursuant to the Federal Rules of Civil Procedure.

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18. For the purposes of this report, I considered a person of skill in the art to be someone with a bachelor's degree or higher in computer science and/or several years of experience in the computer industry.

19. I understand that a product may infringe a claim directly or indirectly. Direct infringement requires a party to make, use, sell, or offer to sell a product that contains each and every element of a claimed system or performs all of the steps of a claimed method. When a party participates in or encourages infringement but does not directly infringe a patent, indirect infringement can be found. Indirect infringement requires, as a predicate, a finding that some party amongst the accused actors has directly infringed the patent.

20. I understand that claims may be either independent or dependent. A dependent claim is infringed if a product meets all of the recited claim elements of the independent claim that the dependent claim depends from, as well as the additional claim elements recited in the dependent claim.

**GENERAL SUMMARY OF THE TECHNOLOGY OF THE '761 PATENT**

21. The '761 Patent discloses an online collaboration tool. An online collaboration tool is a mechanism that allows users to participate in a shared "world," where their data and their actions are visible to other users, who might take actions based on the change in status of other users, the way data is accessed, or information about the users and their data. The tool disclosed in the '761 patent defines different contexts and workspaces where users can generate or consume content and perform actions. The system tracks the movement of users from one context or workspace to another and updates the information about their status, action, and access to data. The online collaboration tool disclosed in the '761 Patent is extremely effective at allowing users to share data with each other because, instead of simply allowing shared access to the data, it stores a variety of information in metadata relating to a user and the data he creates, including information relating to the user's content and actions. The information collected and stored in metadata allows content to be effectively shared among its users and allows users to keep track of others users who are also using the tool.

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**GENERAL SUMMARY OF THE TECHNOLOGY OF THE FACEBOOK WEBSITE**

22. The Facebook website is an online collaboration tool. It is also extremely effective at allowing users to share data with each other because it uses the same technology disclosed in the '761 Patent. Specifically, the Facebook website stores a variety of information in metadata relating to a user and the data he creates, including information relating to the user's content and actions. The information collected and stored in metadata by Facebook allows content to be effectively shared among its users and allows users to keep track of others users who are also using the tool.

**FACEBOOK'S INFRINGEMENT OF THE '761 PATENT**

23. In my opinion, Facebook infringes Claims 1, 4, 7, 9, 11, 16, 21, 23, 25, 31 and 32 of the '761 Patent ("the asserted claims"). It is my opinion that Facebook literally infringes the asserted claims directly. At the very least, Facebook directly infringes the asserted claims under the doctrine of equivalence. In addition, it is my opinion that Facebook literally infringes the asserted method Claims 9, 11 and 16 indirectly. At the very least, Facebook indirectly infringes the asserted method Claims 9, 11 and 16 under the doctrine of equivalence.

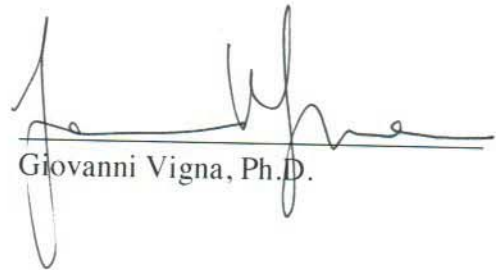
24. Based on the material and deposition testimony, all of the Facebook servers are located in the United States and have been since at least November 21, 2006. Furthermore, all development and testing of the Facebook website is done in the United States and has been since at least November 21, 2006.

25. As described in detail below, the underlying architecture of the Facebook website infringes the asserted claims. For example, the vast majority of the Facebook applications dynamically captures context information and stores the information in metadata. Moreover, the vast majority of the user's actions while using the applications is also captured in metadata and used to generate stories on either the user's Wall, News Feed, or both. Thus, my description of the use cases below is not intended to be limiting, but rather an example of the multiple ways in which the Facebook website is based on an infringing architecture.

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substantially the same way because the Facebook website provides many-to-many functionality through storing metadata about Wall posts, group membership or comments in a database which allows multiple users to share multiple pieces of data with each other. The Facebook website achieves substantially the same result because the Facebook website allows multiple users to share multiple pieces of data. For example, a user can share data via Wall posts, groups or comments, realizing the result of many-to-many interaction functionality.

I declare under penalty of perjury under the laws of the State of California and the United States that each of the above statements is true and correct. Executed on April 8, 2010 in Santa Barbara, California.



Giovanni Vigna, Ph.D.

**CERTIFICATE OF SERVICE**

I, Gladys Tong, hereby certify that on April 8, 2010, I served the foregoing on the following as noted:

**BY E-MAIL**

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