

# **EXHIBIT B**

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IN THE UNITED STATES COURT  
FOR THE DISTRICT OF DELAWARE

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LEADER TECHNOLOGIES, INC.,	)	
a Delaware corporation,	)	
	)	
Plaintiff and Counterdefendant,	)	
	)	CIVIL ACTION NO.
vs.	)	1:08-CV-00862-JJF
	)	
FACEBOOK, INC.,	)	
	)	
Defendant and Counterclaimant.	)	

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SOURCE CODE

Videotaped deposition of GIOVANNI VIGNA, PH.D,  
taken at 633 East Cabrillo Boulevard, Santa  
Barbara, California, commencing at 9:55 a.m.,  
Monday, May 3, 2010, before Daryl Baucum, RPR,  
CRR, RMR, CSR No. 10356.

1 APPEARANCES OF COUNSEL:

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3 FOR THE PLAINTIFF LEADER:

4

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1 APPEARANCES OF COUNSEL (CONTINUED):

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3 ALSO PRESENT:

4 DAVID WEST, Videographer

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1 SANTA BARBARA, CALIFORNIA; MONDAY, MAY 3, 2010

2 9:55 A.M.

3

4 THE VIDEOGRAPHER: Good morning. We are on  
5 the record at 9:55 a.m. The date today is May 3, 09:55:03  
6 2010.

7 This is the videotaped deposition of  
8 Giovanni Vigna --

9 THE WITNESS: That's fine.

10 THE VIDEOGRAPHER: -- Ph.D. 09:55:20

11 My name is David West, here with our court  
12 reporter, Daryl Baucum. We here from Veritext  
13 National Deposition and Litigation Services at the  
14 request of counsel for defendant.

15 The deposition is being held at Fess 09:55:32  
16 Parker's Double Tree Resort at 633 East Cabrillo  
17 Boulevard in the city of Santa Barbara, California.

18 The caption of this case is Leader  
19 Technologies, Inc. versus Facebook, Inc. and  
20 counterclaimants. Civil action number is 09:55:46  
21 1:08CV-00862-JJF.

22 Please, note that audio and video recording  
23 will take place unless all parties agree to go off  
24 the record. Microphones are sensitive and may pick  
25 up whispers, private conversations, as well as 09:56:04

09:56:06

1 BlackBerry and cellular interference.

2 At this time, will Counsel, please,  
3 identify themselves for the record.

4 MR. WEINSTEIN: Mark Weinstein from Cooley,  
5 representing the defendant.

09:56:12

6 MS. KEEFE: Heidi Keefe, also from Cooley,  
7 representing Facebook, defendant.

8 MR. HANNAH: James Hannah from King &  
9 Spalding representing Leader Technologies and here  
10 with the witness.

09:56:22

11 THE VIDEOGRAPHER: Thank you.

12 The witness will now be sworn in and we can  
13 proceed.

14

15 GIOVANNI VIGNA, PH.D.,  
16 having been first duly sworn, was  
17 examined and testified as follows:

18

19 EXAMINATION

20 BY MR. WEINSTEIN:

09:56:41

21 Q. Good morning, sir.

22 A. Good morning.

23 Q. Could you state your name for the record,  
24 please.

25 A. My name is Giovanni Vigna; G-I-O-V-A-N-N-I,

09:56:48

09:56:53

1 last name, V-I-G-N-A.

2 Q. Are you currently -- and do you go by  
3 Dr. Vigna?

4 A. That's fine.

5 Q. Are you currently employed, Dr. Vigna? 09:57:05

6 A. Yes.

7 Q. Who is your current employer?

8 A. University of California in Santa Barbara.

9 Q. How long have you been employed by the  
10 University of California, Santa Barbara? 09:57:13

11 A. Since 1997.

12 Q. What is your position there?

13 A. I am a full professor in computer science.

14 Q. Thank you.

15 Dr. Vigna, have you ever had your  
16 deposition taken before? 09:57:28

17 A. Yes.

18 Q. How many times?

19 A. I remember one, but I am not a hundred  
20 percent sure. I mean I would say one. 09:57:41

21 Q. Okay. What was the case in which you  
22 provided this deposition? What was the name of the  
23 case?

24 A. I think it was called Finjan versus Secure  
25 Computing. This is what I remember. 09:58:00

1 provided in the subversion database 10:21:38  
2 and the database schema. I intend  
3 to demonstrate and discuss this  
4 material even if it is not  
5 specifically referenced in the body 10:21:47  
6 of my report. If it is found that  
7 any of the information that I have  
8 relied upon has been updated before  
9 trial, that further documentation  
10 and information is produced and made 10:21:59  
11 available -- or made available or  
12 that additional depositions are  
13 taken, I reserve the right to rely  
14 upon and discuss the updated and new  
15 information even if it is not 10:22:12  
16 specifically set forth in this  
17 report in Exhibit B."  
18 Does that answer your question?  
19 BY MR. WEINSTEIN:  
20 Q. No, it doesn't, but we will get back to 10:22:19  
21 that.  
22 For paragraph 15, the first sentence says:  
23 "For trial, I also intend to  
24 demonstrate the operation of the  
25 Facebook website live with tools 10:22:29



10:22:31

1 capable of showing the functionality  
2 and rendering of the Facebook  
3 website."

4 What tools are you referring to in this  
5 paragraph?

10:22:38

6 A. There are -- I haven't decided exactly  
7 which of the many tools available to perform this  
8 type of task I am going to use, but one skilled in  
9 the art would immediately identify what that means.

10 These are tools that are capable of showing  
11 the functionality of the website and the rendering  
12 of the Facebook website.

10:23:08

13 Q. Can you name some of those tools for me,  
14 sir?

15 A. For example, the Firefox web browser.

10:23:24

16 Q. Any others?

17 A. There are so many, it's difficult to -- I  
18 haven't decided yet which ones I am going to use.  
19 So it will be difficult to make a list right now.

20 Q. But when you refer to "tools," are you  
21 referring to web browsers?

10:23:50

22 A. I refer to tools which the claim -- the  
23 ordinary meaning of "tools" is software tools.

24 Q. Other than Firefox, can you name any other  
25 tools that you intend to use with respect to the

10:24:10

10:24:13

1 demonstration reference in paragraph 15?

2 A. I haven't made a decision yet. So I think  
3 it would be premature.

4 Q. The next sentence says:

10:24:27

5 "In addition to the  
6 demonstratives, I intend to  
7 demonstrate and discuss all material  
8 I have relied upon."

9 Have you created any demonstratives, sir,  
10 in connection with this litigation?

10:24:36

11 A. Let me check my report.

12 So in paragraph 12 of my report, I said:

13 "In order to aid the court and  
14 jury in understanding my opinion  
15 regarding Facebook's infringement of  
16 the 761 patent, I intend to create  
17 demonstrative exhibits for trial."

10:25:33

18 And so that's what I intend to do.

19 Q. So the demonstrative exhibits did not exist  
20 at the time the report was filed, correct?

10:25:49

21 A. Well, I didn't say that. I said that I  
22 intend to create these demonstrative exhibits at  
23 trial. So there is information that has been  
24 included in the report and then I said in order to  
25 aid the court to understand my position, I intend to

10:26:10

DECLARATION

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I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof; and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury under the laws of the State of California that the foregoing is true and correct.

This declaration is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_, California.

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I, DARYL BAUCUM, CSR No. 10356, do certify;  
That the foregoing deposition was taken  
before me at the time and place therein set forth,  
at which time the witness named in the foregoing  
deposition was placed under oath and was sworn by me  
to tell the truth, the whole truth, and nothing but  
the truth;

That said testimony of the witness and all  
objections by counsel at the time of the examination  
were recorded stenographically by me, and were  
thereafter transcribed under my direction and  
supervision, and that the foregoing pages contain a  
full, true and accurate record of all proceedings  
and testimony to the best of my skill and ability.

I further certify that I am neither counsel  
for any party to said action, nor am I related to  
any party in said action, nor am I in any way  
interested in outcome thereof.

IN WITNESS WHEREOF, I have subscribed my  
name this 17th day of May, 2010.

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DARYL BAUCUM, CSR No. 10356