

**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

**DECLARATION OF MARK R. WEINSTEIN IN SUPPORT OF REPLY
MEMORANDUM IN SUPPORT OF FACEBOOK, INC.'S
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF
CLAIMS 1, 4, 7, 21, 23, 25, 31 AND 32 OF U.S. PATENT NO. 7,139,761**

I, Mark R. Weinstein, declare:

1. I am an attorney with Cooley LLP, of counsel in this action for defendant Facebook, Inc. ("Facebook"). I make this declaration in support of the Reply Memorandum in Support of Facebook, Inc.'s Motion for Summary Judgment of Invalidity of Claims 1, 4, 7, 21, 23, 25, 31 and 32 of U.S. Patent No. 7,139,761.

2. Attached hereto as **Exhibit A** is a true and correct copy of a document entitled "Reply to Office Action Dated June 3, 2005," which states on its face that it was filed with the U.S. Patent and Trademark Office ("PTO") on November 3, 2005.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts of the transcript of proceedings before this Court on July 23, 2010.

4. Attached hereto as **Exhibit C** is a true and correct copy of a document entitled "Interview Summary" reflecting the summary of an interview of August 15, 2006, filed with the PTO on August 30, 2006.

5. Attached hereto as **Exhibit D** is a true and correct copy of the June 21, 2006 “Supplemental Reply to a Reply to the Final Office Action Dated January 5, 2006 That Accompanied the RCE,” which was filed with the PTO on June 21, 2006.

6. Attached hereto as **Exhibit E** is a true and correct copy of the “Memorandum in Support of Defendant Amazon.com, Inc.’s Motion for Summary Judgment of NonInfringement and Invalidity,” filed on June 23, 2004 in *IPXL Holdings, LLC v. Amazon.com, Inc.*, Case No. CV-04-70 (LMB), United States District Court for the Eastern District of Virginia.

7. Attached hereto as **Exhibit F** is are true and correct copies of the Disclosure of Expert Testimony for James Herbsleb, Ph.D. pursuant to Fed. R. Civ. P. 26(a)(2), dated April 8, 2010, and Disclosure of Expert Testimony for James Herbsleb, Ph.D. pursuant to Fed. R. Civ. P. 26(a)(2), dated April 22, 2010, which was served by Leader in this action.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 30, 2010 in Palo Alto, California.



Mark R. Weinstein