

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

Leader Technologies Inc,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 08-862-JJF-LPS
	:	
Facebook Inc.,	:	
	:	
Defendant.	:	

**ORDER**

At Wilmington this **22nd** day of **February, 2010**,

The Court, having reviewed the documents submitted by Leader *in camera*, concludes as follows:

1. As represented by Leader, the two “Neyer” documents (Exhibit 1: Neyer103 and Exhibit 2: Neyer208-18) are logged as entries 386 and 317, respectively, on Leader’s original privilege log of November 20, 2009.

2. With respect to the “IP Investments” documents that are logged on Leader’s supplemental privilege log of January 15, 2010, Leader has apparently redacted information on two distinct bases. First, it has redacted information as “Redacted Not Relevant.” *See, e.g.*, IPI101, IPI104, IPI108-09. Each of these redactions solely relates to concerns of IP Investments, not Leader. As such, all of the information in the IP Investments documents which Leader has redacted as “Redacted Not Relevant” is, in fact, not relevant to this litigation. Second, Leader has redacted other information simply as “Redacted.” *See, e.g.*, IPI117, IPI172, IPI184. It appears that Leader has used the “Redacted” designation when it has redacted information relating to Leader’s assessment of its proposed litigation against Facebook. It is the Court’s

understanding that these redactions are based on Leader's assertion of a "common interest" or "joint defense" privilege which Leader believes exists between it and third-party potential sources of financing for the instant litigation.

3. Leader has accurately and carefully distinguished among its redactions of the IP Investment documents between those that are plainly not relevant (marked "Redacted Not Relevant") and those that are arguably relevant but for which Leader asserts a privilege (marked "Redacted"). The Court further understands that the IP Investment e-mails that appear on Leader's supplemental privilege log did not appear on Leader's original privilege log because Leader has taken the position that all communications with third parties regarding potential financial arrangements with respect to litigation to enforce the patent-in-suit are not relevant.

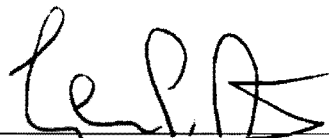
4. The Court requires additional assistance from the parties in order to reach a decision as to whether Leader's assertion of a "common interest" or "joint defense" privilege is legally applicable to the instant circumstances. Accordingly, IT IS HEREBY ORDERED THAT the parties shall file briefs and appear for argument as follows:

- a) Leader's opening brief in support of its assertion of privilege, not to exceed 15 pages, is due by March 1, 2010.
- b) Facebook's answering brief opposing Leader's assertion of privilege, not to exceed 15 pages, is due by March 8, 2010.
- c) Leader's reply brief in support of its assertion of privilege, not to exceed 5 pages, is due by March 10, 2010.
- d) Oral argument with respect to Leader's assertion of privilege will be held on March 12, 2010 at 3:30 p.m. in Courtroom 6C.

5. This Order has been filed under seal. The parties are to meet and confer and

provide the Court with a proposed publicly available version of this Order no later than February 25, 2010. The Court will release a publicly available version of this Order thereafter.

Delaware counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

A handwritten signature in black ink, appearing to be 'L. P. A.', written over a horizontal line.

United States Magistrate Judge