

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEKIKI CO., LTD. and MEKIKI)
CREATES CO., LTD.,)
)
Plaintiffs,)
)
v.)
FACEBOOK, INC., a Delaware corporation,)
)
Defendant.)

C.A. No. 09-745 (JAP)

DEMAND FOR JURY TRIAL

FACEBOOK, INC.,)
)
Counterclaimant,)
)
v.)
MEKIKI CO., LTD, and MEKIKI)
CREATES CO., LTD.,)
)
Counter Defendants.)

**MEKIKI CO., LTD.'S AND MEKIKI CREATES CO., LTD.'S ANSWER TO
FACEBOOK, INC.'S COUNTERCLAIMS FOR DECLARATORY JUDGMENT**

Plaintiffs and Counter Defendants, Mekiki Co., Ltd. and Mekiki Creates Co., Ltd. (collectively "Mekiki") herein answer the numbered paragraphs of Defendant and Counterclaimant Facebook, Inc.'s ("Facebook") Counterclaims for declaratory judgment as follows:

The Parties

1. Mekiki is informed and believes and on this basis admits that Facebook is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 1601 South California Avenue, Palo Alto, California 94304.

2. Mekiki admits that Mekiki Co., Ltd. is a corporation organized and existing under the laws of Japan having its principal place of business at 3 Fl., Matsuoka Bldg., 1-17-8, Shibuya, Shibuya-Ku, Tokyo, Japan 150-0002.

3. Mekiki admits that Mekiki Creates Co., Ltd. is a corporation organized and existing under the laws of Japan having its principal place of business at 3 Fl., Matsuoka Bldg., 1-17-8, Shibuya, Shibuya-Ku, Tokyo, Japan 150-0002.

Jurisdiction and Venue

4. Mekiki admits that admits that this is an action for patent infringement, that Facebook's Counterclaims arise under the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. and that this Court has subject matter jurisdiction over the counterclaims under 28 U.S.C. §§ 1331 and 1338(a).

4(A). Mekiki admits that this Court has personal jurisdiction over Mekiki for purposes of this action and that venue is proper in this District.

Actual Controversy

5. Mekiki admits that it is the owner of the Patents-in-Suit and that it has alleged that Facebook has infringed and is infringing the Patents-in-Suit. Except as expressly admitted, Mekiki denies each and every allegation contained in paragraph 5 of the Counterclaim.

6. Mekiki admits that that an actual controversy exists between Facebook and Mekiki as to Facebook's infringement of the Patents-in-Suit. Except as expressly admitted, Mekiki denies each and every allegation contained in paragraph 6 of the Counterclaim.

COUNT I

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,879,985;
U.S. Patent No. 7,493,342; and U.S. Patent No. 7,496,603)**

7. Mekiki incorporates by reference each response contained in paragraphs 1 through 6 as though fully set forth herein.

8. Mekiki denies the allegations set forth in paragraph 8 of the Counterclaim.

COUNT II

**(Declaratory Judgment of Invalidity and/or Unenforceability of
U.S. Patent No. 6,879,985; U.S. Patent No. 7,493,342; and U.S. Patent No. 7,496,603)**

9. Mekiki incorporates by reference each response contained in paragraphs 1 through 8 as though fully set forth herein.

10. Mekiki denies the allegations set forth in paragraph 10 of the Counterclaim.

PRAYER FOR RELIEF

In addition to the relief prayed for in Mekiki's Complaint for Patent Infringement, Counterclaim Defendant Mekiki prays that this Court:

A. Order that Facebook's Counterclaims be dismissed in their entirety with prejudice;

B. Order that Facebook take nothing by way of its Counterclaims;

C. Declare that Facebook has infringed and is infringing the Patents-in-Suit;

D. Declare that the Patents-in-Suit are valid and enforceable;

E. Declare that this case is exceptional pursuant to 35 U.S.C. § 285 and award Mekiki its costs and reasonable attorney fees; and

F. Grant Mekiki such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs and Counter Defendants Mekiki Co., Ltd. and Mekiki Creates Co., Ltd. hereby demand a trial by jury on all matters and issues triable by jury.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com

Attorneys for Plaintiffs and Counter Defendants

OF COUNSEL:

Harold A. Barza
Christopher A. Mathews
Scott A. Florence
QUINN EMANUEL URQUHART OLIVER
& HEDGES LLP
865 South Figueroa Street
10th Floor
Los Angeles, CA 90017
(213) 443-3000

January 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2010 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:

Thomas P. Preston, Esquire
Steven L. Caponi, Esquire
BLANK ROME LLP

I further certify that I caused copies of the foregoing document to be served on January 21, 2010 upon the following in the manner indicated:

Thomas P. Preston, Esquire
Steven L. Caponi, Esquire
BLANK ROME LLP
1201 Market Street
Wilmington, DE 19801

*VIA ELECTRONIC MAIL
and HAND DELIVERY*

Heidi L. Keefe, Esquire
Mark R. Weinstein, Esquire
Jeffrey Norberg, Esquire
Elizabeth L. Stameshkin, Esquire
COOLEY GODWARD KRONISH LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306

VIA ELECTRONIC MAIL



Jack B. Blumenfeld (#1014)