

4. The parties also discussed the Declaration of Reuben Chen submitted in support of Facebook's transfer motion during the April 16, 2010 meet and confer. Facebook conceded that the list of individuals identified in Paragraph 8 of Mr. Chen's declaration did not include all of the individuals and companies Facebook had identified as "authors, inventors, owners, or custodians of potentially invalidating prior art." Additionally, Facebook admitted that one or more of the omitted individuals and companies from this list are located outside of California.

5. Mekiki also requested an identification of the prior art being referred to in Mr. Chen's declaration during the April 16, 2010 meet and confer. Facebook refused to identify any of the unnamed, supposedly invalidating prior art, or explain why it believed any prior art invalidated any of the claims of the patents, claiming that this information was attorney-client privileged and protected work product.

6. During the meet and confer, Mekiki also advised Facebook that the Declaration of Michelle Cunanan submitted with its motion to transfer was deficient.

7. Attached as Exhibit 1 is a true and correct copy of a printout from the Delaware Department of State, Division of Corporations website regarding the status of Facebook, Inc., printed on April 25, 2010.

8. Attached as Exhibit 2 is a true and correct copy of the docket from *Leader Technologies, Inc. v. Facebook, Inc.*, C.A. No. 08-862, filed November 19, 2008 (D. Del.), printed on April 25, 2010.

9. Attached as Exhibit 3 is a true and correct copy of the docket from *WhoGlue, Inc. v. Facebook, Inc.*, C.A. No. 09-705, filed September 21, 2009 (D. Del.) ("*WhoGlue* Action"), printed on April 25, 2010.

10. Attached as Exhibit 4 is a true and correct copy of the Complaint for Patent Infringement in the *WhoGlue* Action, filed September 21, 2009.

11. Attached as Exhibit 5 is a true and correct copy of a printout from Facebakers.com titled “Facebook in Delaware,” available at <http://www.facebakers.com> and <http://www.facebakers.com/united-states-facebook-statistics/DE/>, printed on April 25, 2010.

12. Attached as Exhibit 6 is a true and correct copy of a printout from the “Official State of Delaware Facebook Page,” available at <http://www.facebook.com/delaware.gov>, printed on April 26, 2010.

13. Attached as Exhibit 7 is a true and correct copy of a printout from Delaware Governor Jack Markell’s Facebook page, available at <http://www.facebook.com/GovernorMarkell>, printed on April 26, 2010.

14. Attached as Exhibit 8 is a true and correct copy of a printout from the Delaware Tourism Office’s Facebook page, available at <http://www.facebook.com/DelawareTourismOffice>, printed on April 26, 2010.

15. Attached as Exhibit 9 is a true and correct copy of a printout from the Delaware National Guard’s Facebook page, available at <http://www.facebook.com/pages/Wilmington-DE/Delaware-National-Guard/256652635331>, printed on April 26, 2010.

16. Attached as Exhibit 10 is a true and correct copy of a printout from the Delaware Public Archives’ Facebook page, available at <http://www.facebook.com/DelawarePublicArchives>, printed on April 26, 2010.

17. Attached as Exhibit 11 is a true and correct copy of a printout from the Department of Elections for New Castle County’s Facebook page, available at <http://www.facebook.com/pages/Wilmington-DE/DOE-NCC/176372681244>, printed on April 26, 2010.

18. Attached as Exhibit 12 is a true and correct copy of a printout from the University of Delaware’s Facebook page, available at <http://www.facebook.com/udelaware>, printed on April 26, 2010.

19. Attached as Exhibit 13 is a true and correct copy of a printout from the Delaware Office of Minority and Women Business Enterprise's Facebook page, available at <http://www.facebook.com/pages/Dover-DE/Office-of-Minority-and-Women-Business-Enterprise/301708805943>, printed on April 26, 2010.

20. Attached as Exhibit 14 is a true and correct copy of a printout from the "Official Delaware National Estuarine Research Reserve" Facebook page, available at <http://www.facebook.com/pages/Dover-DE/Delaware-NERR/329377073314>, printed on April 26, 2010.

21. Attached as Exhibit 15 is a true and correct copy of a printout from the Delaware Blue Hens' Facebook page, available at <http://www.facebook.com/pages/newark-DE/Delaware-Blue-Hens/8215649556>, printed on April 26, 2010.

22. Attached as Exhibit 16 is a true and correct copy of a printout from the John Dickinson Plantation's Facebook page, available at <http://www.facebook.com/pages/Dover-DE/John-Dickinson-Plantation/263527960872>, printed on April 26, 2010.

23. Attached as Exhibit 17 is a true and correct copy of a printout from the Johnson Victrola Museum's Facebook page, available at <http://www.facebook.com/pages/Dover-DE/Johnson-Victrola-Museum/214105879063>, printed on April 26, 2010.

24. Attached as Exhibit 18 is a true and correct copy of a printout from the New Castle Court House Museum's Facebook page, available at <http://www.facebook.com/pages/New-Castle-DE/New-Castle-Court-House-Museum/361081580161>, printed on April 26, 2010.

25. Attached as Exhibit 19 is a true and correct copy of a printout from the Old State House's Facebook page, available at <http://www.facebook.com/pages/Dover-DE/The-Old-State-House/215088903508>, printed on April 26, 2010.

26. Attached as Exhibit 20 is a true and correct copy of a printout from the Zwaanendael Museum's Facebook page, available at <http://www.facebook.com/pages/Lewes-DE/Zwaanendael-Museum/216971454130>, printed on April 26, 2010.

27. Attached as Exhibit 21 is a true and correct copy of a printout from the Facebook's Careers page, available at <http://www.facebook.com/careers/?view=location>, printed on April 26, 2010.

28. Attached as Exhibit 22 is a true and correct copy of a printout from the Facebook's Statistics page, available at <http://www.facebook.com/press/info.php?statistics>, printed on April 26, 2010.

29. Attached as Exhibit 23 is a true and correct copy of a letter from Joseph Paunovich to Heidi Keefe, dated February 12, 2010.

30. Attached as Exhibit 24 is a true and correct copy of a letter from Heidi Keefe to Joseph Paunovich, dated February 16, 2010.

31. Attached as Exhibit 25 is a true and correct copy of a letter from Joseph Paunovich to Heidi Keefe, dated February 26, 2010.

32. Attached as Exhibit 26 is a true and correct copy of Mekiki's First Set of Requests for Production of Documents and Things to Facebook, Inc., dated February 26, 2010.

33. Attached as Exhibit 27 is a true and correct copy of Mekiki's First Set of Interrogatories to Facebook, Inc., dated February 26, 2010.

34. Attached as Exhibit 28 is a true and correct copy of Mekiki's draft Stipulated Protective Order, provided to Facebook on February 26, 2010.

35. Attached as Exhibit 29 is a true and correct copy of a letter from Reuben Chen to Joseph Paunovich, dated April 7, 2010.

36. Attached as Exhibit 30 is a true and correct copy of a letter from Joseph Paunovich to Reuben Chen, dated April 7, 2010.

37. Attached as Exhibit 31 is a true and correct copy of a letter from Reuben Chen to Joseph Paunovich, dated April 8, 2010.

38. Attached as Exhibit 32 is a true and correct copy of a letter from Eric Bakewell to Reuben Chen, dated April 13, 2010.

39. Attached as Exhibit 33 is a true and correct copy of Mekiki's Second Set of Requests for Production of Documents and Things to Facebook, Inc., dated April 13, 2010.

40. Attached as Exhibit 34 is a true and correct copy of Mekiki's First Set of Special Interrogatories to Facebook, Inc., dated April 13, 2010.

41. Attached as Exhibit 35 is a true and correct copy of Mekiki's First Set of Requests for Admission to Facebook, Inc., dated April 13, 2010.

42. Attached as Exhibit 36 is a true and correct copy of Mekiki's Notice of Deposition of Michelle Cunanan, dated April 13, 2010.

43. Attached as Exhibit 37 is a true and correct copy of Mekiki's Notice of Deposition of Reuben Chen, dated April 13, 2010.

44. Attached as Exhibit 38 is a true and correct copy of Mekiki's Notice of Deposition of Facebook, Inc., dated April 13, 2010.

45. Attached as Exhibit 39 is a true and correct copy of a letter from Eric Bakewell to Reuben Chen, dated April 16, 2010.

46. Attached as Exhibit 40 is a true and correct copy of a letter from Adam Pivovar to Mekiki's counsel, dated April 16, 2010.

47. Attached as Exhibit 41 is a true and correct copy of a letter from Adam Pivovar to Mekiki's counsel, dated April 18, 2010.


48. Attached as Exhibit 42 is a true and correct copy of a letter from Eric Bakewell to Adam Pivovar, dated April 19, 2010.

49. Attached as Exhibit 43 is a true and correct copy of a letter from Adam Pivovar to Eric Bakewell, dated April 23, 2010.

50. Attached as Exhibit 44 is a true and correct copy of excerpts from “Judicial Business of the United States Courts, 2009 Annual Report of the Director,” produced by the Statistics Division, Office of Judges Programs, Administrative Office of the United States Courts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 26, 2010, at Los Angeles, California.



Eric J. Bakewell

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 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 April 26, 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

Heidi L. Keefe, Esquire
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Five Palo Alto Square
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Palo Alto, CA 94306

VIA ELECTRONIC MAIL

/s/ Rodger D. Smith II

Rodger D. Smith II (#3778)