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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MEKIKI CO., LTD and MEKIKI CREATES
CO., LTD.,

Plaintiffs and
Counter-Defendants,

v.

FACEBOOK, INC.,

Defendant and
Counterclaimant.

Case No. 5:10-cv-2721-LHK (HRL)

**JOINT CASE MANAGEMENT STATEMENT
PURSUANT TO THE COURT'S
REASSIGNMENT ORDER**

Pursuant to the Court's Reassignment order of August 2, 2010 (D.I. 52), Plaintiffs and Counter-Defendants Mekiki Co., Ltd. and Mekiki Creates Co., Ltd. (collectively and hereinafter, "Plaintiff" or "Mekiki") and Defendant and Counterclaimant Facebook, Inc. (hereinafter, "Facebook"), submit the following joint report.

a. Date case was filed

Plaintiff Mekiki filed a Complaint for patent infringement on October 7, 2009, in the United States District Court for the District of Delaware as Case No. 1:09-cv-271. (D.I. 1.) The case was transferred to the United States District Court for the Northern District of California on June 21, 2010. (D.I. 39.)

1 **b. List or description of all parties**

2 Plaintiffs Mekiki Co., Ltd. and Mekiki Creates Co., Ltd. are corporations organized and
3 existing under the laws of Japan. (D.I. 1 (Complaint at ¶¶ 1-2).) Both corporations' principal
4 place of business is located at 3 Fl., Matsuoka Bldg., 1-17-8, Shibuya, Shibuya-Ku, Tokyo, Japan
5 150-0002. (*Id.*)

6 Defendant Facebook, Inc. is a Delaware corporation with its principal place of business in
7 Palo Alto, CA. (D.I. 6 (Counterclaims at ¶ 1).)

8 **c. Summary of all claims, counter-claims, cross-claims, third party claims**

9 Plaintiff Mekiki filed its Complaint for patent infringement alleging that Defendant
10 Facebook infringes United States Patent Nos. 6,879,985 ("the '985 patent"), 7,493,342 ("the '342
11 patent") and 7,496,603 ("the '603 patent") (collectively the "Mekiki Patents") through its social
12 networking website www.facebook.com. (D.I. 1 (Complaint at ¶¶ 6, 10-13, 15).)

13 Defendant Facebook denies the allegations of Plaintiff's claim of patent infringement,
14 asserts various affirmative defenses against Plaintiff's claim, and asserts counterclaims seeking a
15 declaration of no infringement and that the patents-in-suit are invalidity and/or unenforceable.
16 (*See generally* D.I. 6.)

17 **d. Brief description of the event underlying the action**

18 Plaintiff Mekiki alleges that Defendant Facebook infringes the Mekiki Patents. (D.I. 1
19 (Complaint at ¶¶ 6, 10-13, 15).) The Mekiki Patents all issued from the same U.S. patent
20 application, filed on October 17, 2001, and claim priority to a Japanese patent application filed on
21 October 17, 2000. (*Id.* (Complaint at ¶¶ 10-12, Ex. 1-3).) As such, each of the Mekiki Patents
22 shares the same patent specification, and are all entitled, "Human Relationships Registering
23 System, Method and Device For Registering Human Relationships, Program For Registering
24 Human Relationships, and Medium Storing Human Relationships Registering Program and
25 Readable by Computer." (*Id.*) Mekiki contends that Facebook's technologies utilize its patented
26 social networking intellectual property. (*Id.* ¶ 15.)

27 Defendant Facebook seeks an order of declaratory judgment that it does not infringe any
28 claims of the patents-in-suit and that all such claims are invalid and/or unenforceable. (*See* D.I. 6.)

1 **e. Description of relief sought and damages claimed with an explanation as to how**
2 **damages are computed**

3 Plaintiff Mekiki seeks (1) entry of judgment in favor of Mekiki finding that Facebook has
4 and continues to infringe the Mekiki Patents; and (2) an award of damages adequate to
5 compensate Mekiki for the infringement, together with prejudgment interest from the date
6 infringement began, but in no event less than a reasonable royalty as permitted by 35 U.S.C. §285.
7 (D.I. 1 (Complaint at p. 4).)

8 Defendant Facebook seeks a declaration that it does not infringe any claim of the patents-
9 in-suit and that any asserted claims of the patents-in-suit are invalid and/or unenforceable. (*See*
10 D.I. 6.)

11 **f. Status of discovery (including any limits or cutoff dates)**

12 There has been no formal discovery taken in this case and the case was transferred before
13 any limits or deadlines for discovery were set.

14 **g. Procedural history of the case including previous motions decided and/or submitted,**
15 **ADR proceedings or settlement conferences scheduled or concluded, appellate**
16 **proceedings pending or concluded, and any previous referral to a magistrate judge**

17 Plaintiff Mekiki filed its Complaint for patent infringement on October 7, 2009. (D.I. 1.)
18 Facebook filed its Answer to Mekiki's Complaint on December 28, 2009. (D.I. 6.) Mekiki filed
19 its Answer to Facebook's counterclaims on January 21, 2010. (D.I. 13.) The parties' Initial
20 Disclosures were exchanged on May 3, 2010. The case was transferred to the Northern District of
21 California on June 21, 2010 (D.I. 39), after the District of Delaware granted Facebook's motion to
22 transfer venue (D.I. 21-22), the only motion that has been filed in this case. The Initial Case
23 Management Conference has not yet taken place.

24 After the case was transferred to the Northern District of California, it was originally
25 assigned to Magistrate Judge Spero. (D.I. 40.) Facebook requested that the case be reassigned to
26 an Article III judge. (D.I. 44.) After initially being assigned to Judge Alsup (D.I. 47), the case
27 was subsequently reassigned to this Court. (D.I. 52.) All discovery matters have been assigned by
28 the Court to Magistrate Judge Lloyd.

1 **h. Other deadlines in place (before reassignment), including those for dispositive**
2 **motions, pretrial conferences, and trials**

3 The only deadlines in place prior to the reassignment to this Court were set by Judge Alsop
4 as follows (D.I. 40, 49):

Event(s)	Deadline
Last day to: <ul style="list-style-type: none">• meet and confer regarding Initial Disclosures, early settlement, ADR process selection, and discovery plan;• file ADR Certification signed by the Parties and Counsel;• file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference;	September 10, 2010
Last day to file Rule 26(f) Report, complete Initial Disclosures or state objection in Rule 26(f) Report and file Case Management Statement	September 24, 2010
Initial Case Management Conference	September 30, 2010

22 The Court vacated these deadlines upon reassignment, with the exception of the September
23 10, 2010 ADR-related deadlines: meet and confer re ADR process selection (ADR L.R. 3.5(a)), file
24 ADR Certification (Civil L.R. 16-8(b) & ADR L.R. 3-5(b)), and file either Stipulation to ADR
25 Process or Notice of Need for ADR Phone Conference (Civil L.R. 16-8(c) & ADR L.R. 3-5(b)-
26 (c)). (D.I. 52.)

27 **i. Any requested modification of these dates and reason for the request**

28 The parties do not request modification of the September 10, 2010 ADR-related deadlines.

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j. Whether the parties will consent to a magistrate judge for trial

The parties will not consent to a magistrate judge for trial in this case.

k. If there exists an immediate need for a case management conference to be scheduled in the action.

The parties await the Court's scheduling of the Initial Case Management Conference pursuant to Civil L.R. 16-2.

Dated: August 18, 2010

QUINN EMANUEL

COOLEY LLP

/s/ Chris Mathews

/s/ Heidi L. Keefe

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