

Facebook's website at <http://www.facebook.com>, including the phrases "Facebook's mission is to give people the power to share and make the world more open and connected," "is a social utility that helps its users communicate more efficiently with their friends, family and coworkers," and "technologies that facilitate the sharing of information through the social graph, the digital mapping of people's real-world social connections." Facebook further admits that it has more than 300 million users.

6. Facebook denies the allegations in Paragraph 6 of the Complaint.

JURISDICTION AND VENUE

7. Facebook incorporates by reference paragraphs 1-6 of this Answer as if fully set forth herein.

8. Facebook admits the allegations of Paragraph 8 of the Complaint.

9. As there are no facts asserted to support this bold allegation, Facebook is without sufficient knowledge or information to admit or deny the allegations of Paragraph 6 of the Complaint.

THE ASSERTED PATENTS

10. Facebook admits that United States Patent No. 6,879,985 ("the '985 patent"), entitled "Human Relationships Registering System, Method and Device for Registering Human Relationships, Program for Registering Human Relationships, and Medium Storing Human Relationships Registering Program and Readable by Computer" has a stated issue date of April 12, 2005 and lists on its face inventors named Hikaru Deguchi and Kenichi Ninomiya. Facebook admits that a copy of the '985 patent was attached to the Complaint as Exhibit 1. Facebook denies that the '985 patent was duly and legally issued.

11. Facebook admits that United States Patent No. 7,493,342 (“the ‘342 patent”), entitled “Human Relationships Registering System, Method and Device for Registering Human Relationships, Program for Registering Human Relationships, and Medium Storing Human Relationships Registering Program and Readable by Computer” has a stated issue date of February 17, 2009 and states on its face inventors named Hikaru Deguchi and Kenichi Ninomiya. Facebook admits that a copy of the ‘342 patent was attached to the Complaint as Exhibit 2. Facebook denies that the ‘342 patent was duly and legally issued.

12. Facebook admits that United States Patent No. 7,496,603 (“the ‘603 patent”), entitled “Human Relationships Registering System, Method and Device for Registering Human Relationships, Program for Registering Human Relationships, and Medium Storing Human Relationships Registering Program and Readable by Computer” has a stated issue date of February 24, 2009 and states on its face inventors named Hikaru Deguchi and Kenichi Ninomiya. Facebook admits that a copy of the ‘603 patent was attached to the Complaint as Exhibit 3. Facebook denies that the ‘603 patent was duly and legally issued.

13. Facebook is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 13 of the Complaint and therefore denies the allegations of Paragraph 13 of the Complaint.

MEKIKI’S CLAIM FOR RELIEF

(Alleged Patent Infringement)

14. Facebook incorporates by reference paragraphs 1-13 of this Answer as if fully set forth herein.

15. Facebook denies the allegations of Paragraph 15 of the Complaint.

16. Facebook denies the allegations of Paragraph 16 of the Complaint.

17. Facebook denies the allegations of Paragraph 17 of the Complaint.

18. Facebook denies the allegations of Paragraph 18 of the Complaint that it requires any license or consent from Mekiki as Mekiki's patents are invalid and not infringed.

MEKIKI'S PRAYER FOR RELIEF

Facebook incorporates by reference all preceding paragraphs of this Answer as if fully set forth herein. Facebook denies that Mekiki is entitled to any of the relief sought in its Complaint.

AFFIRMATIVE DEFENSES

First Affirmative Defense: Non-Infringement

1. Facebook is not infringing and has not infringed, any claim of the '985 patent, the '342 patent, or the '603 patent, either literally or under the doctrine of equivalents.

Second Affirmative Defense: Invalidity

2. One or more of the claims of the '985 patent, the '342 patent, and/or the '603 patent are invalid for failure to meet one or more of the conditions of patentability specified in 35 U.S.C. §§ 101, *et seq.*

Third Affirmative Defense: No Injunctive Relief

3. Mekiki's demand to enjoin Facebook is barred, as Mekiki has suffered neither harm nor irreparable harm from Facebook's actions.

Fourth Affirmative Defense: Failure to State a Claim

4. The relief sought in Mekiki's complaint is barred, in whole or in part, for failure to state a claim upon which the requested relief can be granted.

Other Affirmative Defenses

5. Facebook reserves all other affirmative defenses pursuant to Federal Rule of Civil

Procedure 8(c), the patent laws of the United States, and any other defenses, at law or in equity, that now exist or in the future may be available based on discovery and further factual investigation in this case.

COUNTERCLAIMS

Defendant and Counterclaimant FACEBOOK, INC. (“Facebook”), by and through its undersigned counsel, hereby alleges the following counterclaims against Plaintiffs and Counterclaim-Defendants MEKIKI CO., LTD. and MEKIKI CREATES CO., LTD. (collectively “Mekiki”):

The Parties

1. 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. Facebook is informed and believes and on that basis alleges that Plaintiff 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. Facebook is informed and believes and on that basis alleges that Plaintiff 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. This is a civil action regarding allegations of patent infringement arising under the

patent laws of the United States, Title 35 of the United States Code, in which Facebook seeks relief under the Declaratory Judgment Act. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

4. This Court has personal jurisdiction and venue over Mekiki because it consented to personal jurisdiction and venue by filing the Complaint in this action.

Actual Controversy

5. Mekiki claims to be the owner of U.S. Patent No. 6,879,985 (“the ‘985 patent”), U.S. Patent No. 7,493,342 (“the ‘342 patent”), and U.S. Patent No. 7,496,603 (“the ‘603 patent”) (collectively the “Patents-in-Suit”), each entitled “Human Relationships Registering System, Method and Device for Registering Human Relationships, Program for Registering Human Relationships, and Medium Storing Human Relationships Registering Program and Readable by Computer.” Mekiki has alleged that Facebook has infringed and is infringing the Patents-in-Suit, a contention Facebook denies.

6. An actual controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202, exists between Facebook and Mekiki. Facebook seeks a declaration that it does not infringe the Patents-in-Suit, that the Patents-in-Suit are invalid, and that Mekiki’s claims under the Patent-in-Suit are barred.

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. Facebook incorporates by reference all preceding paragraphs of this Counterclaim as if fully set forth herein.

8. Facebook does not infringe and has not infringed, either directly or indirectly, contributorily or by inducement any claim of the Patents-in-Suit, either literally or under the doctrine of equivalents and therefore is not liable for infringement thereof. Furthermore, Mekiki's claims under the Patents-in-Suit are barred for the reasons set forth in Facebook's Affirmative Defenses set forth above.

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. Facebook incorporates by reference all preceding paragraphs of this Counterclaim as if fully set forth herein.

10. The Patents-in-Suit and each claim thereof are invalid and/or unenforceable for the reasons set forth in Facebook's Affirmative Defenses set forth above.

Relief Requested by Facebook

WHEREFORE, Facebook respectfully requests that this Court enter judgment:

- A. In favor of Facebook, and against Mekiki, thereby dismissing Mekiki's Complaint in its entirety, with prejudice, with Mekiki taking nothing by way of its claims;
- B. Declaring and adjudging that Facebook does not infringe the Patents-in-Suit;
- C. Declaring and adjudging that the Patents-in-Suit are invalid and/or unenforceable;
- D. Ordering Mekiki to pay all costs incurred by Facebook in responding to this action, including Facebook's reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- E. Awarding Facebook all other relief this Court deems just and proper.

JURY DEMAND

Facebook demands a trial by jury as to all issues so triable.

Dated: December 28, 2009

By: /s/ Steven L. Caponi
Thomas P. Preston (DE Bar No. 2548)
Steven L. Caponi (DE Bar No. 3484)
BLANK ROME LLP
1201 Market Street
Wilmington, DE 19801
Phone: (302) 425-6400
Fax: (302) 425-6464

Attorneys for Defendant Facebook, Inc.

OF COUNSEL:

Heidi L. Keefe (*pro hac vice pending*)
Mark R. Weinstein (*pro hac vice pending*)
COOLEY GODWARD KRONISH LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306
Phone: (650) 843-5000
Fax: (650) 857-9663

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