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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)

**STIPULATED REQUEST FOR ADR  
PROCEDURE**

1 WHEREAS on September 9, 2010, the parties filed a Notice Of Need For ADR Phone  
2 Conference because they had not yet reached an agreement to an ADR process;

3 WHEREAS on September 15, 2010, the parties attended a phone conference with ADR  
4 Program Staff Attorney Robin W. Siefkin;

5 WHEREAS on the phone conference, with the assistance of Ms. Siefkin, the parties reached  
6 agreement that private mediation was the ADR process most likely to result in resolution of the  
7 disputed issues in the above-captioned matter;

8 WHEREAS the parties further agree that a private mediator selected by the parties is more  
9 likely to have the requisite experience and time to fully understand and explore the complicated issues  
10 that typically arise in a patent infringement case;

11 WHEREAS the parties further agree that the timing of a private mediation session is an  
12 important factor in the likelihood of success of such a procedure;

13 WHEREAS the parties further agree that a private mediation session that takes place after the  
14 Court issues its order on claim construction is more likely to succeed than a private mediation session  
15 held at an earlier date;

16 WHEREAS the parties further agree that the Court's claim construction will reduce uncertainty  
17 with respect to the merits of the parties' claims and counterclaims regarding infringement of the  
18 patents-in-suit;

19 WHEREAS the parties further agree that the Court's claim construction will reduce uncertainty  
20 with respect to the merits of Facebook's counterclaims regarding invalidity of the patents-in-suit;

21 IT IS HERBY STIPULATED by the parties, subject to the approval of the Court, that:

- 22 1. The parties shall meet and confer regarding selection of a private mediator at least  
23 ninety (90 days) before the Claim Construction Hearing;
- 24 2. The parties shall mutually select a private mediator at least sixty (60) days before the  
25 Claim Construction Hearing;
- 26 3. The parties shall participate in a mediation with the mutually selected private  
27 mediator within no later than sixty (60) days after the issuance of the Court's Claim  
28 Construction Order.

1 Dated: October 29, 2010

2 QUINN EMANUEL URQUHART &  
3 SULLIVAN, LLP

COOLEY LLP

4 /s/ Harold A. Barza

5 Harold A. Barza (Bar No. 80888)

/s/ Heidi L. Keefe

Heidi L. Keefe (Bar No. 178960)

6 Attorneys for Plaintiff and Counter-  
7 Defendants MEKIKI CO., LTD and  
8 MEKIKI CREATES CO., LTD.

Attorneys for Defendant and Counterclaimant  
FACEBOOK, INC.

9  
10 **PURSUANT TO STIPULATION IT IS SO ORDERED:**

11 Dated: \_\_\_\_\_

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14 The Honorable Lucy H. Koh  
15 United States District Judge  
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**ATTESTATION CLAUSE**

I, Scott A. Florance, hereby attest in accordance with General Order No. 45.X(B) that Heidi L. Keefe, counsel for Defendant and Counterclaimant Facebook, Inc., and Harold A. Barza, counsel for Plaintiffs and Counter-Defendants Mekiki Co. Ltd and Mekiki Creates Co., Ltd. have provided their concurrence with the electronic filing of the foregoing document.

Dated: October 29, 2010

By: /s/ Scott A. Florance  
Scott A. Florance