

# EXHIBIT 9

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12 MEKIKI CREATES CO., LTD.

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN JOSE DIVISION**

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

17 Plaintiffs and  
18 Counter-Defendants,

19 v.

20 FACEBOOK, INC.,

21 Defendant and  
22 Counterclaimant.

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

**MEKIKI CO., LTD.'S FIRST SET OF  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS AND THINGS TO  
FACEBOOK, INC. (NOS. 1-28)**

1 Pursuant to Fed. R. Civ. P. 26 and 34, Plaintiffs and Counterclaim Defendant Mekiki Co.,  
2 Ltd. ("Mekiki Co.") hereby requests that Defendant and Counterclaimant Facebook, Inc.  
3 ("Facebook") produce the documents and things described herein for inspection and copying  
4 within thirty (30) days of service of these requests at the offices of Quinn Emanuel Urquhart &  
5 Sullivan LLP, 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017.

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7 **DEFINITIONS**

8 Each request in Mekiki Co.'s First Set of Requests for Production to Facebook is subject to  
9 and incorporates the following definitions:

10 A. "DEFENDANT," "YOU," "YOUR," AND "FACEBOOK" shall mean Defendant  
11 AND Counterclaimant Facebook, Inc. ("Facebook"), including without limitation ALL  
12 predecessors-in-interest, successors-in-interest, parents, subsidiaries, affiliates, AND ALL past OR  
13 present officers, directors, trustees, employees, agents, consultants, attorneys, patent agents,  
14 entities acting in joint venture relationships with Facebook, AND others acting on behalf of  
15 Facebook, in ANY country.

16 B. "PLAINTIFF" AND "MEKIKI" shall mean Plaintiffs AND Counterclaim  
17 Defendants Mekiki Co., Ltd. AND Mekiki Creates Co., Ltd. (collectively "Mekiki"), including  
18 without limitation ALL predecessors-in-interest, successors-in-interest, parents, subsidiaries,  
19 affiliates, AND ALL past OR present officers, directors, trustees, employees, agents, consultants,  
20 attorneys, patent agents, entities acting in joint venture, licensing OR partnership relationships  
21 with Mekiki, AND others acting on behalf of Mekiki, in ANY country.

22 C. "AND" AND "OR" shall be construed either disjunctively OR conjunctively as  
23 necessary to bring within the scope of each request ALL responses that might otherwise be  
24 construed outside the scope.

25 D. "ANY" shall include "ALL" AND "ALL" shall include "ANY."

26 E. "COMMUNICATION(S)" shall mean, without limitation, ANY transmission,  
27 conveyance OR exchange of a work, statement, fact, thing, idea, DOCUMENT, instruction,  
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1 information, demand OR question by ANY medium, whether by written, oral OR other means,  
2 including but not limited to electronic communications AND electronic mail (“email”).

3 F. “CONCERNING” shall mean RELATING TO OR REGARDING.

4 G. “DOCUMENT(S)” shall have the broadest meaning ascribed to it by Fed. R. Civ.  
5 P. 34(a)(1)(A) AND Fed. R. Evid. 1001, including without limitation electronic OR computerized  
6 data compilations. A draft OR non-identical copy of a document is a separate document within  
7 the meaning of this term.

8 H. “FACEBOOK SOCIAL NETWORK(S)” shall mean ALL SOCIAL NETWORKS  
9 owned, operated OR controlled, in whole OR in part, at ANY time, by FACEBOOK, including  
10 without limitation ANY RELATED hardware AND/OR software components thereof.

11 I. “FILE HISTORY” AND “FILE HISTORIES” shall mean ALL records of ALL  
12 COMMUNICATIONS AND ALL DOCUMENTS AND THINGS RELATED TO the  
13 prosecution, issuance AND maintenance of a patent OR patent application.

14 J. “LAWSUIT” shall mean the above-entitled AND captioned civil lawsuit.

15 K. “PATENTS-IN-SUIT” shall mean ALL patents asserted in the LAWSUIT,  
16 including U.S. Patent No. 6,879,985 (“the ‘985 patent”), U.S. Patent No. 7,493,342 (“the ‘342  
17 patent”), AND U.S. Patent No. 7,496,603 (“the ‘603 patent”).

18 L. “PERSON(S)” shall mean ANY natural person OR ANY business, legal, OR  
19 governmental entity OR association.

20 M. “PROFILE INFORMATION” shall mean ANY information AND/OR data  
21 recorded, stored OR otherwise maintained by SOCIAL NETWORK(S) that demonstrates,  
22 illustrates, explains, quantifies, catalogs, indexes, details AND/OR describes a user, individual,  
23 PERSON AND/OR group using SOCIAL NETWORK(S), including without limitation name(s),  
24 username(s), identification code(s), sex, birth date, hometown(s), current town(s), school(s),  
25 relationship(s), favorite(s), photo(s), video(s), network(s), email(s), phone number(s), employer(s),  
26 friend(s), friend(s) of friend(s), connection(s), connection(s) of connection(s), group(s), group(s)  
27 of group(s) AND/OR the like, OR ANY variation thereof.

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1 N. "RELATING TO" OR "REGARDING," OR ANY variation thereof, means  
2 concerning, containing, describing, discussing, embodying, commenting upon, identifying,  
3 incorporating, summarizing, constituting, comprising, OR otherwise pertinent to the matter OR  
4 ANY aspect thereof.

5 O. "SOCIAL NETWORK(S)" shall mean ANY utility, product OR service that  
6 suggests, requests, confirms, verifies, records, stores OR otherwise maintains an association,  
7 affiliation, connection, correlation, link, relationship OR the like between users, individuals,  
8 PERSONS AND/OR groups over the Internet OR an internet OR intranet.

9 P. "THING(S)" refers to ANY physical specimen OR tangible item, including  
10 research AND development models, samples, prototypes AND the like.

11 Q. "ZUCKERBERG PATENT APPLICATION" shall mean U.S. Patent Application  
12 No. 11/639,655 and its related provisional application, U.S. Provisional Application No.  
13 60/750,844.

14 R. The use of the singular form of ANY word includes the plural AND vice versa.

15 S. The use of ANY tense of ANY word includes ALL other tenses.

16 T. Definitions OR usages of words OR phrases in these requests are not intended to  
17 be, AND shall not be, construed as admissions as to the meaning of words OR phrases at issue in  
18 the action, AND shall have no binding effect on Mekiki in this OR in ANY other proceeding.

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20 **INSTRUCTIONS**

21 Each request in Mekiki Co.'s First Set of Requests for Production to Facebook is subject to  
22 AND incorporates the following instructions:

23 1. Mekiki Co. requests that DOCUMENTS be produced in TIFF file format with an  
24 appropriate load file and document-level OCR text for documents or in a form or forms in which  
25 they are maintained in the ordinary course of business. DOCUMENTS that are part of a file,  
26 docket OR grouping, shall be produced in the same order OR manner of arrangement as the  
27 original file, docket OR grouping. The metadata and native file format for ANY DOCUMENT  
28 that is produced shall be preserved by FACEBOOK throughout the LAWSUIT.

1           2.       Each DOCUMENT OR THING requested shall be produced in its entirety,  
2 including without limitation attachments, enclosures, cover letters, memoranda AND appendices.  
3 If a DOCUMENT OR THING responsive to ANY request cannot be produced in full, it shall be  
4 produced to the extent possible with an explanation stating why production of the remainder is not  
5 possible.

6           3.       Color copies of DOCUMENTS are to be produced where color is necessary to  
7 interpret OR understand the contents.

8           4.       Separately with respect to each piece of information called for by these requests  
9 which is withheld under a claim of privilege OR otherwise, provide an explanation of the claim  
10 being asserted AND a description of the information withheld in accordance with Fed. R. Civ. P.  
11 26(b)(5).

12           5.       In the event that ANY DOCUMENT OR THING called for by these requests OR  
13 subsequent requests has been destroyed OR discarded, that DOCUMENT OR THING is to be  
14 identified by stating: (i) the author(s), addressee(s), AND ANY indicated OR blind copyee(s); (ii)  
15 the date, number of pages AND attachments OR appendices; (iii) the subject matter; (iv) the date  
16 of destruction OR discard, manner of destruction OR discard, AND reason for destruction OR  
17 discard; (v) the PERSONS who were authorized to carry out such destruction OR discard; AND  
18 (vi) whether ANY copies presently exist AND, if so, the name of the custodian of each copy.

19           6.       If no DOCUMENTS OR THINGS exist that are responsive to a particular request,  
20 that fact should be stated in response to such request.

21           7.       Unless otherwise indicated in a particular request, the request is not date OR time  
22 limited.

23           8.       The obligation to provide the information sought by these requests for production is  
24 continuing within the requirement of Fed. R. Civ. P. 26(e).

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1 **REQUESTS FOR PRODUCTION**

2 **REQUEST FOR PRODUCTION NO. 1:**

3 ALL DOCUMENTS CONCERNING ANY of the PATENTS-IN-SUIT, including without  
4 limitation ALL DOCUMENTS referring to MEKIKI, Hikaru Deguchi, AND/OR Kenichi  
5 Ninomiya.

6 **REQUEST FOR PRODUCTION NO. 2:**

7 ALL DOCUMENTS CONCERNING COMMUNICATIONS with third parties  
8 CONCERNING this LAWSUIT, including without limitation press releases, submissions to  
9 government agencies, AND COMMUNICATIONS with third parties that have a past, current OR  
10 potential financial OR ownership interest in FACEBOOK.

11 **REQUEST FOR PRODUCTION NO. 3:**

12 ALL DOCUMENTS CONCERNING ANY opinion, obtained OR prepared by OR for  
13 FACEBOOK, CONCERNING infringement OR non-infringement of the PATENTS-IN-SUIT.

14 **REQUEST FOR PRODUCTION NO. 4:**

15 DOCUMENTS sufficient to identify ALL versions of the FACEBOOK SOCIAL  
16 NETWORK(S), including without limitation ALL alpha versions, beta versions AND releases.

17 **REQUEST FOR PRODUCTION NO. 5:**

18 DOCUMENTS sufficient to identify each hardware AND/OR software component  
19 comprising each version of the FACEBOOK SOCIAL NETWORK(S), including without  
20 limitation the common AND/OR trade name of each component.

21 **REQUEST FOR PRODUCTION NO. 6:**

22 DOCUMENTS sufficient to demonstrate, illustrate, explain OR describe the structure  
23 AND operation of ALL versions of the FACEBOOK SOCIAL NETWORK(S).

24 **REQUEST FOR PRODUCTION NO. 7:**

25 The source code for ALL versions of the FACEBOOK SOCIAL NETWORK(S).

26 **REQUEST FOR PRODUCTION NO. 8:**

27 DOCUMENTS sufficient to demonstrate, illustrate, explain OR describe how PROFILE  
28 INFORMATION is stored, recorded OR otherwise maintained by the FACEBOOK SOCIAL

1 NETWORK(S).

2 **REQUEST FOR PRODUCTION NO. 9:**

3 DOCUMENTS sufficient to demonstrate, illustrate, explain OR describe ALL features  
4 AND/OR functionality of the FACEBOOK SOCIAL NETWORK(S).

5 **REQUEST FOR PRODUCTION NO. 10:**

6 ALL DOCUMENTS CONCERNING consideration, decisions AND/OR attempts to  
7 modify OR redesign the FACEBOOK SOCIAL NETWORK(S) in view of ANY claim of the  
8 PATENTS-IN-SUIT OR ANY other MEKIKI patent.

9 **REQUEST FOR PRODUCTION NO. 11:**

10 ALL DOCUMENTS RELATING TO the commercial success AND/OR popularity of  
11 ANY feature(s) AND/OR functionality of the websites www.facebook.com AND/OR  
12 www.thefacebook.com including without limitation the FACEBOOK SOCIAL NETWORK(S).

13 **REQUEST FOR PRODUCTION NO. 12:**

14 ALL DOCUMENTS RELATING TO FACEBOOK membership growth due to ANY  
15 feature(s) AND/OR functionality of the websites www.facebook.com AND/OR  
16 www.thefacebook.com including without limitation the FACEBOOK SOCIAL NETWORK(S).

17 **REQUEST FOR PRODUCTION NO. 13:**

18 ALL DOCUMENTS CONCERNING ANY assignments, transfers, conveyances, licenses,  
19 offers to license, OR granting of ANY interest in OR rights to the websites www.facebook.com  
20 AND/OR www.thefacebook.com including without limitation the FACEBOOK SOCIAL  
21 NETWORK(S).

22 **REQUEST FOR PRODUCTION NO. 14:**

23 ALL business plans AND/OR funding plans RELATING TO the FACEBOOK SOCIAL  
24 NETWORK(S).

25 **REQUEST FOR PRODUCTION NO. 15:**

26 ALL DOCUMENTS that RELATE TO the ZUCKERBERG PATENT APPLICATION.

27 **REQUEST FOR PRODUCTION NO. 16:**

28 ALL DOCUMENTS CONCERNING a potential OR planned initial public offering for



1 FACEBOOK at any time, including without limitation ANY agreement under which ANY third  
2 party has a financial interest in a potential OR planned an initial public offering for FACEBOOK.

3 **REQUEST FOR PRODUCTION NO. 17:**

4 ALL DOCUMENTS provided by FACEBOOK to potential AND/OR actual shareholders,  
5 business partners, investors, lenders AND/OR ANY other person or entity in connection with  
6 attempts to raise capital funding.

7 **REQUEST FOR PRODUCTION NO. 18:**

8 ALL DOCUMENTS that RELATE TO ANY agreement under which ANY third party has  
9 a financial interest in YOUR sales, revenues, OR profits.

10 **REQUEST FOR PRODUCTION NO. 19:**

11 ALL of FACEBOOK's financial statements, reports AND/OR budgets on a monthly,  
12 quarterly AND annual basis (OR other period that FACEBOOK uses in the ordinary course of  
13 business).

14 **REQUEST FOR PRODUCTION NO. 20:**

15 ALL financial projections, forecasts AND/OR estimates RELATING TO FACEBOOK at  
16 ANY time.

17 **REQUEST FOR PRODUCTION NO. 21:**

18 ALL DOCUMENTS CONCERNING ANY analyses OR comparisons between the  
19 FACEBOOK SOCIAL NETWORK(S) on one hand, AND ANY other SOCIAL NETWORK on  
20 the other.

21 **REQUEST FOR PRODUCTION NO. 22:**

22 ALL licenses OR agreements for ANY technology RELATING TO SOCIAL  
23 NETWORK(S) between FACEBOOK and ANY other entity including without limitation  
24 Friendster, Inc., MOL Global, Applied Materials, Inc., Hewlett-Packard Co. OR Hewlett-Packard  
25 Development Corporation, AND ALL DOCUMENTS RELATING TO such licenses OR  
26 agreements.

27 **REQUEST FOR PRODUCTION NO. 23:**

28 ALL patent license agreements to which FACEBOOK is or was a party.

1 **REQUEST FOR PRODUCTION NO. 24:**

2 ALL DOCUMENTS that RELATE TO YOUR policies, strategies, plans AND practices  
3 regarding patents.

4 **REQUEST FOR PRODUCTION NO. 25:**

5 ALL DOCUMENTS RELATED TO the determination of a reasonable royalty in this  
6 LAWSUIT, including without limitation royalty reports, negotiations, COMMUNICATIONS,  
7 offers OR proposals for licenses AND/OR settlements RELATING TO ANY SOCIAL  
8 NETWORK.

9 **REQUEST FOR PRODUCTION NO. 26:**

10 ALL DOCUMENTS CONCERNING YOUR practices, procedures AND policies with  
11 respect to the retention OR destruction of DOCUMENTS.

12 **REQUEST FOR PRODUCTION NO. 27:**

13 DOCUMENTS sufficient to show the past AND current organizational structure of  
14 FACEBOOK AND the personnel in the areas responsible for management, licensing, marketing,  
15 sales, funding, engineering, testing AND research and development leading to the FACEBOOK  
16 SOCIAL NETWORK(S).

17 **REQUEST FOR PRODUCTION NO. 28:**

18 ALL DOCUMENTS pursuant to which YOU are, OR may be, entitled to indemnification  
19 OR insurance from ANY judgment, settlement, cost, fee AND/OR expense that has been OR may  
20 be incurred by YOU in this LAWSUIT, AND ALL DOCUMENTS RELATING TO such  
21 DOCUMENTS pursuant to which YOU are, OR may be, entitled to indemnification OR  
22 insurance.

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1 DATED: October 6, 2010

QUINN EMANUEL URQUHART  
& SULLIVAN, LLP

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3  
4 By /s/ Harold A. Barza

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9 Attorneys for Plaintiffs and Counter Defendants  
MEKIKI CO., LTD. and MEKIKI CREATES CO.,  
10 LTD.

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**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543.

On October 6, 2010, I served true copies of the following document(s) described as:

**MEKIKI CO., LTD'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO FACEBOOK, INC. (NOS 1-28)**

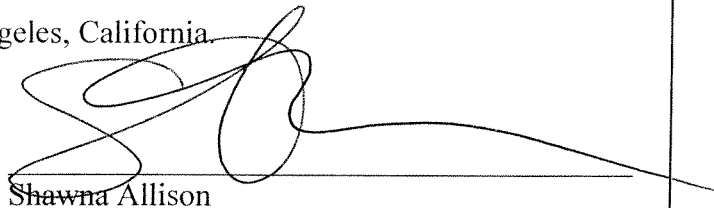
on the interested parties in this action as follows:

HEIDI KEEFE  
ADAM PIVOVAR  
MARK WEINSTEIN  
REUBEN CHEN  
COOLEY GODWARD KRONISH LLP  
3000 EL CAMINO REAL  
FIVE PALO ALTO SQUARE, 4<sup>TH</sup> FLOOR  
PALO ALTO, CA 94306  
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www.cooley.com

**BY MAIL:** I am "readily familiar" with the practices of Quinn Emanuel Urquhart & Sullivan, LLP for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. I enclosed the foregoing in sealed envelope(s) addressed as shown above, and such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 6, 2010, at Los Angeles, California.



Shawna Allison