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14 Attorneys for Defendant  
 FACEBOOK, INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN JOSE DIVISION

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

21 Plaintiffs and  
 22 Counter-Defendants,

23 v.

24 FACEBOOK, INC.,

25 Defendant and  
 26 Counterclaimant.

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

**STIPULATION OF DISMISSAL  
 WITHOUT PREJUDICE, AND  
 TOLLING AGREEMENT  
~~[AND PROPOSED ORDER]~~**

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STIPULATION OF DISMISSAL WITHOUT PREJUDICE  
 AND TOLLING AGREEMENT  
 CASE NO. 5:10-CV-2721-LHK (HRL)



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time between the Original Action Filing Date and the filing date of the Subsequent Action;

(ii) Facebook’s defenses and/or counterclaims shall be tolled during the period between the Original Action Filing Date and the filing date of the Subsequent Action; and

(iii) Mekiki’s claim for damages based on alleged infringement of one or more of the Patents-in-Suit shall be treated, for purposes of the statute of limitations provided by 35 U.S.C. § 286, as if such Subsequent Action was filed on the Original Action Filing Date.

(c) Subject to the limitations of Paragraph 2(b)(i), nothing in this Stipulation and Order shall preclude Facebook from raising any additional defenses and counterclaims, if any, it may have in any Subsequent Action (including, without limitation, defenses and counterclaims that may arise as a result of the Reexamination Proceedings).

QUINN EMANUEL URQUHART &  
SULLIVAN LLP

COOLEY LLP

By: /s/ Christopher A. Mathews  
Christopher A. Mathews  
Attorneys for Plaintiffs  
MEKIKI CO., LTD AND MEKIKI  
CREATES CO., LTD.

By: /s/ Reuben H. Chen  
Reuben H. Chen  
Attorneys for Defendant  
FACEBOOK, INC.

**IT IS SO ORDERED. The Clerk shall close the file.**

Date: May 12, 2011

By: Lucy H. Koh  
Honorable Lucy H. Koh  
United States District Judge