

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEKIKI CO., LTD., a Japan corporation and
MEKIKI CREATES CO., LTD., a Japan
corporation,

Plaintiffs,

V.

FACEBOOK, INC., a Delaware corporation,

Defendant.

C.A. No. _____

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Mekiki Co., Ltd. and Mekiki Creates Co., Ltd. (collectively “Mekiki”),
for their Complaint herein, allege as follows:

THE PARTIES

1. Plaintiff Mekiki Co., Ltd. is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 3 Fl., Matsuoka Bldg., 1-17-8, Shibuya, Shibuya-Ku, Tokyo, Japan 150-0002.

2. Plaintiff Mekiki Creates Co., Ltd. is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 3 Fl., Matsuoka Bldg., 1-17-8, Shibuya, Shibuya-Ku, Tokyo, Japan 150-0002.

3. In 2001, Plaintiffs launched a social networking website known as “MekikiCity” from their operations in Japan. This website has evolved into what today is known as the “Samurai Social Network” and can be found at <http://www.samuraitime.com>. The mission of the Samurai Social Network is to bring people of spirituality together, using their real names and photos rather than anonymously, to work to overcome global issues such as environmental pollution, economic disparity and ethnic conflicts.

4. Upon information and belief, defendant Facebook, Inc. (“Facebook”) is a corporation organized and existing under the laws of Delaware. Facebook’s principal place of business is located at 1601 S. California Ave., Palo Alto, California 94304. Facebook was formerly known as “Thefacebook, Inc.” The use of the name “Facebook, Inc.” in this Complaint refers to Facebook, Inc. and Thefacebook, Inc.

5. Upon information and belief, Facebook was founded on February 4, 2004. According to its website at <http://www.facebook.com>, “Facebook’s mission is to give people the power to share and make the world more open and connected.” Facebook is reportedly the world’s largest social networking website, having added 50 million users since July 2009, for a total of over 300 million users. Facebook “is a social utility that helps its users communicate more efficiently with their friends, family and coworkers” by employing “technologies that facilitate the sharing of information through the social graph, the digital mapping of people’s real-world social connections.”

6. Facebook’s technologies utilize Plaintiffs’ fundamental and patented social networking intellectual property. For example, Facebook’s utilities that (1) allow a user to establish a relationship with a friend of an existing friend, (2) identify to a user the mutual friends shared by that user and an existing friend, and (3) suggest potential new friends to a user, infringe Mekiki’s patents that are described below.

JURISDICTION AND VENUE

7. Plaintiffs incorporate by reference each and every allegation contained in Paragraphs 1 through 6 as though fully set forth.

8. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*. This court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

THE ASSERTED PATENTS

10. On April 12, 2005, the United States Patent and Trademark Office issued U.S. 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,” to Hikaru Deguchi (“Deguchi”) and Kenichi Ninomiya (“Ninomiya”). A copy of the ‘985 patent is attached as Exhibit 1.

11. On February 17, 2009, the United States Patent and Trademark Office issued U.S. 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,” to Deguchi and Ninomiya. A copy of the ‘342 patent is attached as Exhibit 2.

12. On February 24, 2009, the United States Patent and Trademark Office issued U.S. 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,” to Deguchi and Ninomiya. A copy of the ‘603 patent is attached as Exhibit 3.

13. Deguchi and Ninomiya have assigned all of their rights in the ‘985, ‘342, and ‘603 patents (collectively the “Mekiki Patents”) to Mekiki. Mekiki has the right to sue for infringement of the Mekiki Patents, including the right to recover damages for infringement.

CLAIM FOR RELIEF
(PATENT INFRINGEMENT AGAINST FACEBOOK)

14. Plaintiffs incorporate by reference each and every allegation contained in Paragraphs 1 through 13 as though fully set forth.

15. Upon information and belief, Facebook has infringed and is infringing the Mekiki Patents by making, using, or selling in this judicial district and elsewhere the inventions claimed in the Mekiki Patents. Upon information and belief, Facebook has had made and operates custom systems that incorporate certain inventions claimed in the Mekiki Patents, including systems used to operate Facebook’s Friends and Networks technologies.

16. By reason of Facebook’s infringing activities, Mekiki has suffered, and will continue to suffer, substantial damages in an amount to be proven at trial, but no less than a reasonable royalty.

17. Facebook’s acts complained of herein have damaged and will continue to damage Mekiki irreparably. Mekiki has no adequate remedy at law for these wrongs and injuries. Mekiki is therefore entitled to a permanent injunction restraining and enjoining Facebook and its agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the Mekiki Patents.

18. Facebook is not licensed or otherwise authorized to make, use, import, sell, or offer to sell any apparatus or process/method claimed in the Mekiki Patents, and Facebook's conduct is, in every instance, without Mekiki's consent.

PRAYER FOR RELIEF

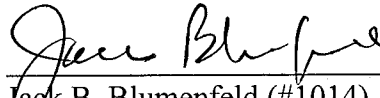
WHEREFORE, Mekiki prays for judgment against Facebook as follows:

- A. That Facebook has infringed and is infringing the Mekiki Patents;
- B. That Facebook and its subsidiaries, affiliates, parents, successors, assigns, officers, agents, representatives, servants, and employees, and all persons in active concert or participation with them, be enjoined from continued infringement of the Mekiki Patents;
- C. That Facebook be ordered to pay Mekiki damages caused by its infringement of the Mekiki Patents, but in no event in an amount less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with interest thereon; and
- D. That Mekiki shall have such other and further relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Pursuant to Fed. R. Civ. 38(b), Plaintiffs Mekiki Co., Ltd. and Mekiki Creates Co., Ltd. hereby demand a trial by jury on all issues triable by jury.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



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