

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

<p>PRAGMATUS AV, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>FACEBOOK, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No. 2:10-cv-00560 (HCM/FBS)</p>
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**DECLARATION OF WILLIAM A. MARINO**

I, William A. Marino, declare the following:

1. I am William A. Marino. I make this declaration based on my personal knowledge.
2. I am providing this declaration in connection with the opposition of Pragmatus AV, LLC ("Pragmatus") to the motion to transfer venue filed by the defendant in this case.
3. Pragmatus is a limited liability company formed under the Virginia Limited Liability Company Act. Pragmatus has only two members, who own it on a 50-50 basis. I am one member, and the other is Anthony Grillo.
4. I have been a resident of Alexandria, Virginia since 2005 and I have been paying Virginia state income taxes since that time. I currently own a home in Alexandria, Virginia that my wife and I purchased in 2007, several years before Pragmatus was formed. Mr. Grillo lives in Pennsylvania.

5. Pragmatus has one office located at 601 North King Street, Alexandria, Virginia 22314. Pragmatus' documents and records are located at its Alexandria office. I work in Pragmatus' Alexandria office four days per week.

6. Pragmatus is engaged in the business of owning and managing intellectual property. Pragmatus owns more than 100 patents.

7. Pragmatus holds all rights, title and interest in the patents that are the subject of this litigation. Such patents include United States Patent 7,421,470 entitled "Method for Real-Time Communication Between Plural Users" and United States Patent 7,433,921 entitled "System for Real-Time Communication Between Plural Users."

8. At its Alexandria office, Pragmatus, among other things, manages its intellectual property portfolio, including the patents-in-suit, acquires patent rights and licenses its patents.

9. Pragmatus filed this case in Virginia because it is located here in Virginia, and litigating here is convenient for it. In contrast, litigating this case in California would be extremely inconvenient for Pragmatus because it will have to litigate in a very distant forum where the time to trial is substantially longer than here in Virginia.

10. I certainly did not purchase my home in Alexandria back in 2007 for the purpose of bringing this lawsuit, or any lawsuits, in the United States District Court for the Eastern District of Virginia.

11. Furthermore, Pragmatus certainly did not open an office in Alexandria for the sole purpose of having access to the United States District Court for the Eastern District of Virginia.

12. Based upon my review of publically available information, I understand that Facebook currently maintains three large data center facilities in Ashburn, Virginia. Each data center houses computer servers which receive information and distribute it to Facebook users. I believe that Facebook's infringement is occurring on these servers.

13. I was heavily involved in the acquisition by Pragmatus of a portfolio of patents that Pragmatus purchased from Intellectual Ventures. That portfolio included the patents involved in this case. I have personal knowledge regarding that transaction and the negotiations leading up to it. It would be far more convenient for me to attend a trial in Virginia where I live than it would be for me to have to travel to California for a trial there.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 4, 2011



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William A. Marino