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8 **Attorneys for Defendants**
 9 **Rockstar Consortium US LP and**
 10 **MobileStar Technologies LLC**

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **OAKLAND**

14	Google, Inc.)	Case No. 13-cv-5933 (CW)
15)	
16	Plaintiff,)	DECLARATION OF JOSHUA W.
17)	BUDWIN IN SUPPORT OF
18	vs.)	DEFENDANTS' ROCKSTAR
19)	CONSORTIUM US LP AND
20	Rockstar Consortium U.S. LP and MobileStar)	MOBILESTAR TECHNOLOGIES
21	Technologies LLC)	LLC'S §1404 MOTION TO
22)	TRANSFER TO THE EASTERN
23	Defendants.)	DISTRICT OF TEXAS
24)	
25)	
26)	
27)	
28)	

29 **DECLARATION OF JOSHUA W. BUDWIN IN SUPPORT OF DEFENDANTS'**
 30 **ROCKSTAR CONSORTIUM US LP AND MOBILESTAR TECHNOLOGIES LLC'S**
 31 **§1404 MOTION TO TRANSFER TO THE EASTERN DISTRICT OF TEXAS**

1 I, Joshua W. Budwin, declare:

2 1. I am an attorney with the law firm of McKool Smith P.C., counsel of record for
3 Plaintiffs Rockstar Consortium US LP and Mobilestar Technologies LLC. (collectively “Rockstar”)
4 in the above-entitled action. I am duly licensed to practice law in the State of Texas. I make this
5 declaration based on my personal knowledge, the record in this action, and matters of public record,
6 and if called upon as a witness, I could and would testify competently as to the matters set forth
7 below.

8 2. The EDTX is closer than the NDCA for the majority of defendants in the
9 consolidated cases pending in the EDTX. The approximate distance from each of the EDTX
10 defendants’ U.S. headquarters to the EDTX and NDCA is:

Party	Location in U.S.	Approximate Distance from EDTX	Approximate Distance from NDCA
ASUSTek	Fremont, CA	1,847 miles	0
Google	Mountain View, CA	1,849 miles	0
HTC	Bellevue, WA	2,199 miles	811 miles
LGE	Englewood Cliffs, NJ	1,521 miles	2,079 miles
Pantech	Atlanta, GA	694 miles	2,477 miles
Rockstar	Plano, TX	0	1,824 miles
Samsung	Richardson, TX	0	1,824 miles
ZTE	Richardson, TX	16 miles	1,828 miles

17 3. The current addresses for the individuals listed below have been verified using public
18 records. These individuals are each authors of items listed on the face of one or more of the patents-
19 in-suit as prior art. According to the public records, each of these individuals currently resides in
20 Texas. The city and state of each individual is:

Albert F. Nurick	Austin, TX
Brittain D. Fraley	Austin, TX
Daniel K. Engberg	Cedar Park, TX
Ellis K. Cave	Garland, TX
Gerald Francis Mcbrearty	Austin, TX
John Maddalozzo	Austin, TX
Johnny Meng-Han Shieh	Austin, TX
Krista Savage	Garland, TX
Richard Bach	Garland, TX

1 4. The current addresses for the individuals listed below have been verified using public
2 records. These individuals are each authors of items listed on the face of one or more of the patents-
3 in-suit as prior art. According to the public records, each of these individuals currently resides on the
4 East Coast of the U.S. The city and state of each individual is:

Bekir Serbetciouglu	Shelton, CT
Esref Ozulkulu	Monroe, CT
Iihan Bagoren	Beacon Falls, CT
Annemarie Lehmeier	Ursensollen, DE
Werner Olbrich	Amberg, DE
Wolfgang Schatz	Amberg, DE
Alanara Seppo	Oulu, FL
Ari Leman	Perteli, FL
Arto Pussinen	Oulu, FL
Jaakko Vanttila	Oulu, FL
James L. Davis	Coral Springs, FL
Jari Olkkola	Salo, FL
Jorma Seppanen	Oulu, FL
Juha Vaihoja	Tupos, FL
Lasse Uronen	Salo, FL
Lonnie L. Bernardoni	Boca Raton, FL
Melanie Williams	Deerfield Beach, FL
Mikko Lietsalmi	Oulu, FL
Petri Hossi	Salo, FL
Raimo Kivari	Haukipudas, FL
Ruben Rivera	Sunrise, FL
Thomas J. Swirbel	Davie, FL
Timo Hirvonen	Salo, FL
Timo Kolehmainen	Oulu, FL
Timothy J. Dinwiddie	Plantation, FL
Veli-Matti Valimaa	Salo, FL
Brantley W. Coile	Athens, GA
Bret Harsham	Newton, MA
Carl G. Hayssen	Andover, MA
James Emken	Arlington, MA
Jefrey A. Kraemer	Northboro, MA
Jing Xiang	Westford, MA
Lalit Jain	Boston, MA
Peter J. Sulc	Pepperall, MA
Radia Joy Perlman	Acton, MA
Robert A. Ciampa	Andover, MA
Roger H. Levesque	Tewksbury, MA
William Nelson	Auburn, MA
David F. Wheeler	Silver Spring, MD
David Young	Silver Spring, MD
Dilip Gokhale	Gaithersburg, MD

1	Edward F. Balkovich	Potomac, MD
	Michael J. Ahearn	Gorham, ME
2	Billy Gayle Moon	Apex, NC
	Lester L White	Raleigh, NC
3	Peter A Fortman	Raleigh, NC
	Darryl Black	Merrimack, NH
4	G. Paul Koning	Brookline, NH
	Konstantinos Baryiames	Merrimack, NH
5	Arthur J. Moen	Clinton, NJ
	Ashok K. Kuthyar	Holmdel, NJ
6	Bethany S. Robinson	Colts Neck, NJ
	David L. Turock	Highland Park, NJ
7	David M. Pepe	Middletown, NJ
	David S. Miller	Bedminster, NJ
8	Dawn D. Petr	Basking Ridge, NJ
	Dwight O. Hakim	Matawan, NJ
9	Edward F. Balkovich	Freehold, NJ
	Frederick Murray Burg	West Long Branch, NJ
10	Gerardo Ramirez	Bridgewater, NJ
	Howard P. Katseff	Manalapan, NJ
11	James J. Brockman	Perrineville, NJ
	Josefa Ramarosan	Freehold, NJ
12	Lisa B. Blitzer	Manalapan, NJ
	Mark A. Jones	New Providence, NJ
13	Mark L. Meisel	Fair Lawn, NJ
	Mon-Mei Chen	Marlboro, NJ
14	Ram S. Ramamurthy	Manalapan, NJ
	Richard H. Janow	South Orange, NJ
15	Richard S. Wolff	West Caldwell, NJ
	Robert E. Markowitz	Glen Rock, NJ
16	Robert F.	Mortensonchatham, NJ
	Robert G. White	Morristown, NJ
17	Warren S. Gifford	Holmdel, NJ
	William Cruz	Eatontown, NJ
18	Yang-Wei Wang	Howell, NJ
	Alexander I. Poltorak	Monsey, NY
19	Jeffrey Pooser	New York, NY
	Michael Kramer	Bronx County, NY
20	T. V. Raman	Ithaca, NY
	Thomas Kredon	Rochester, NY
21	Todd Pooser	New York, NY
	Bruce Goldhagen	Newtown Square, PA
22	Edwin M. Elrod	Downingtown, PA
	Frederick C. Kruesi	Exton, PA
23	Gary P. Russell	King Of Prussia, PA
	John Homan	Ephrata, PA
24	Bruce W. Stalcup	Springfield, VA
	Christopher Johnson	Oakton, VA
25	Jerry M. Feinberg	Arlington, VA
	Raymond F. Albers	Vienna, VA
26		
27		
28		

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2 5. The current addresses for the individuals listed below have been verified using public
3 records. These individuals are each authors of items listed on the face of one or more of the patents-
4 in-suit as prior art. According to the public records, each of these individuals currently resides
5 outside of the United States. The city and country of each individual is:

Jasjit S. Saini	Rosenwiller, FR
Pierre Troian	Hoenheim, FR
Henry C.A. Hyde-Thomson	London, En (GB)
Dermot M. Tynan	Galway, IE
Haru Ando	Tokyo, JP
Hikoyuki Nakajima	Yokohama-Shi, JP
Hiroshi Nakao	Shiki-Gun, JP
Hiroshi Takahashi	Kanagawa, JP
Hiroyuki Nagasawa	Shiki-Gun, JP
Hiroyuki Shigematsu	Yamatokoriyama, JP
Jung-Kook Hong	Tokyo, JP
Kazuo Iwano	Yokohama-Shi, JP
Kouichi Nagai	Yokosuka-Shi, JP
Kunihiko Isoda	Yokosuka-Shi, JP
Masaaki Kurata	Nabari-Shi, JP
Munenori Sakamoto	Yamatokoriyama, JP
Ryoji Fukuda	Kawasaki-Shi, JP
Shigeaki Tanimoto	Tokyo, JP
Shinji Misono	Tokyo, JP
Takashi Harada	Yamato-Shi, JP
Takashi Masui	Yokosuka-Shi, JP
Yasuhiro Nakajima	Yao-Shi, JP
Yoshinori Kitahara	Tokyo, JP
Yutaka Nakamura	Soraku-Gun, JP

19
20 6. The current addresses for the individuals listed below have been verified using public
21 records. These individuals prosecuted the patents-in-suit. The city and state of each individual is:

Jean-Pierre Fortin	Kanata, Ontario, Canada
Angela C. deWilton	Ottawa, Ontario, Canada
Tom Gigliotti	Raleigh, NC
J. Erik Fako	Research Triangle Park, NC
Eric Halber	Research Triangle Park, NC
Bernard Tiegerman	Richardson, TX
Brianna Hinojosa-Flores	Irving, TX
Jaspreet Harit	Nepean, Ontario, Canada
Kevin Sembrat	Califon, NJ

1
2 7. On April 22, 2014, I met and conferred with Google's counsel, Matthew Warren in
3 furtherance of negotiating the joint case management statement. Mr. Warren indicated that Google
4 was unwilling to include dates in the case management statement that would have required Google
5 to provide damages information related to the products accused of infringement in the EDTX.

6 8. Exhibit 1 is a true and correct copy of BlackBerry's contact information web page at
7 <http://us.blackberry.com/company/about-us/contact.html>.

8 9. Exhibit 2 is a true and correct copy of Ericsson's company information web page at
9 http://www.ericsson.com/thecompany/company_facts/worldwide/na/us.

10 10. Exhibit 3 is a true and correct copy of Rockstar Consortium LLC Officers' Register.

11 11. Exhibit 4 is a true and correct redacted copy of a letter from Afzal Dean, President of
12 MobileStar Technologies, dated February 3, 2014, regarding MobileStar Patent Portfolio.

13 12. Exhibit 5 is a true and correct copy of Austin – Google Careers web page at
14 <https://www.google.com/about/careers/locations/austin/>.

15 13. Exhibit 6 is a true and correct copy of Dallas – Google Careers web page at
16 <https://www.google.com/about/careers/locations/dallas/>.

17 14. Exhibit 7 are true and correct copies of the EDTX Docket sheets showing Rockstar's
18 filing of its Complaint for patent infringement against ASUSTeK, HTC, LG Electronics, Pantech,
19 Samsung, and ZTE on October 31, 2013.

20 15. Exhibit 8 is a true and correct copy of the Texas Secretary of State web page at
21 https://direct.sos.state.tx.us/...t=1&:Spagefrom=&:Norder_item_type_id=10&:Ncorp_type_id=&:Nfi
22 ling_type_id=&:Nunder_lp_entity_type= showing incorporation information for Samsung
23 Telecommunications America, LLC.
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26

1 34. Exhibit 27 is a true and correct copy of an opinion in *Mycone Dental Supply v.*
2 *Creative Nail Design*, 3:12-cv-00747, Dkt No. 52 (N.D. Cal. May 30, 2012).

3 35. Exhibit 28 is a true and correct copy of Plaintiffs' Infringement Contentions claim
4 chart for U.S. Patent No. 5,838,551 regarding the Samsung Ativ S Neo.

5 36. Exhibit 29 is a true and correct copy of Plaintiffs' Infringement Contentions claim
6 chart for U.S. Patent No. 5,838,551 regarding the Pantech Discover.
7

8 37. Exhibit 30 is a true and correct copy of the Kang Declaration in *Rockstar, et al. v.*
9 *Samsung, et al.*, 2:13-cv-00900, Dkt No. 52-30 (E.D. Tex. Mar. 21, 2014).

10 38. Exhibit 31 is a true and correct copy of excerpts from PWC's 2013 Patent Litigation
11 Study.

12 39. Exhibit 32 is a true and correct copy of an opinion in *Contentguard Holdings, Inc. v.*
13 *Google, Inc.*, No. 2:14-cv-00061, Dkt #38 (E.D. Tex., April 16, 2014).
14

15 40. Exhibit 33 is a true and correct copy of the Docket Control Order in *Rockstar, et al. v.*
16 *ASUSTek Computer, et al.*, 2:13-cv-00894, Dkt No. 91 (E.D. Tex. Apr. 29, 2014).

17 41. Exhibit 34 is a true and correct copy of an opinion in *Google Inc. v. Contentguard*
18 *Holdings, Inc.*, 3:14-cv-00498, Dkt No. 42 (N.D. Cal. Apr. 15, 2014).

19 42. Exhibit 35 is a true and correct copy of a press release entitled "U.S. Secretary of
20 Commerce Penny Pritzker Names Michelle K. Lee as Next Deputy Director of the U.S. Patent and
21 Trademark Office," accessed at <http://www.uspto.gov/news/pr/2013/13-39.jsp>.
22

23 I declare under penalty of perjury under the laws of the State of Texas that the foregoing is
24 true and correct, and that this declaration was executed on May 9, 2014, at Austin, Texas.

25
26 /s/ Joshua W. Budwin _____

Joshua W. Budwin