

Attorneys for Defendants
Rockstar Consortium US LP and
MobileStar Technologies LLC

DECLARATION OF ERIK FAKO

I, Erik Fako, declare as follows:

1. I am Senior Patent Counsel for Rockstar Consortium US LP ("Rockstar"). I am a member in good standing of the Massachusetts State Bar, to which I was admitted in 1997. I submit this declaration in support of Rockstar's Motion to Transfer to the Eastern District of Texas Under Section 1404 or, in the Alternative, To Stay. I have personal knowledge of the facts set forth in this Declaration, and if called as a witness, could and would testify competently to such facts under oath.

2. I was previously employed by Nortel Networks ("Nortel"), where one of my roles involved patent prosecution. I have personal knowledge of the facts stated in this declaration through the execution of my current and past employment duties at Rockstar, and through the execution of my past employment duties at Nortel.

3. During my employment with Nortel, one of my job responsibilities included working with outside counsel to apply for and obtain patents on Nortel's inventions. I was involved in the prosecution of U.S. Patent No. 6,128,298, which is among the patents-in-suit in the case named in Paragraph 1 above. I have personal knowledge related to the prosecution of that patent.

4. Although I work from home in North Carolina, I maintain a physical office in Rockstar's Plano, Texas headquarters. Should I be called to testify in the above-mentioned lawsuit, it is therefore more convenient for me to do so in the Eastern District of Texas than it would in the Northern District of California.

5. I have relevant information regarding documents, such as the file wrappers for the family identified by Nortel docket number SN0148, related to the prosecution of U.S. Patent No. 6,128,298. Those documents currently reside in the Eastern District of Texas.

6. I have relevant knowledge about efforts to license the patents in suit and Rockstar's licensing policies and practices.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed the 9th day of MAY, 2014.

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