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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

GOOGLE INC.,

Plaintiff,

v.

TRAFFIC INFORMATION LLC,

Defendant.

No. CV09-642-HU

**DECLARATION OF CHRISTINA J.
MOSER IN SUPPORT OF OPPOSITION
BY GOOGLE INC. TO MOTION TO
DISMISS OR TRANSFER**

I, Christina J. Moser, declare as follows:

1. I am a Partner at Baker & Hostetler, LLP, 1900 E. 9th Street, Ste. 3200, Cleveland, Ohio 44114-3485, and am one of the attorneys who represents Plaintiff Google Inc. ("Google")

in this action. I submit this Declaration in support of Plaintiff's Opposition to Defendant's Motion to Dismiss or Transfer.

2. Attached hereto as Exhibit 1 is a true and correct copy of the product information page for Google Maps for Mobile that I obtained on August 26, 2009 from Google's website at <http://www.google.com/mobile/products/maps.html#p=default>.

3. Attached hereto as Exhibit 2 is a true and correct copy of the listing for Google Inc. that I obtained from the Delaware Department of State's website, at <http://www.corp.delaware.gov/>, on August 27, 2009, showing that Google is a Delaware corporation. Also attached hereto as Exhibit 4 is a true and correct copy of Google's information page for its Mountain View, California headquarters that I obtained from Google's website at http://www.google.com/support/jobs/bin/static.py?page=why-ca-mv.html&loc_id=1116&dep_id=1173&topic=1116 on August 27, 2009, showing that Google's principal place of business is 1600 Amphitheatre Parkway, Mountain View, California 94043 and that the Mountain View headquarters contains Google's key operations, including product, sales, marketing and legal.

4. Attached hereto as Exhibit 3 is a true and correct copy of Google's information page listing all of its United States locations that I obtained from Google's website at <http://www.google.com/intl/en/corporate/address.html> on August 26, 2009, showing that Google has no office located in the Eastern District of Texas.

5. Attached hereto as Exhibit 5 is a true and correct copy of Google's information page for Google's Seattle/Kirkland Office, which I obtained from Google's website, at <http://www.google.com/support/jobs/bin/static.py?page=why->

[wa.html&loc_id=1123&dep_id=1173&topic=1123](#), on August 27, 2009, noting that the product that Google understands to be accused of infringement by Traffic and which underlies this action, Google Maps for Mobile ("GMM") was, and continues to be, developed in the northwestern United States at Google's Seattle/Kirkland Office.

6. As a result of the foregoing, it is apparent that most, if not all, witnesses and documentary evidence relevant to the present action are generally located in the Northern California/Pacific Northwest region and, more specifically, in northern California and the greater Seattle, Washington area. Google is not presently aware of any witnesses or documentary evidence relevant to the present action that would be located in Texas.

7. In the event the Court determines that Google's source code relating to the accused product is discoverable, it would be made available for inspection only at Google's offices in Mountain View, California or Seattle, Washington.

8. Attached hereto as Exhibit 6 is a true and correct copy of Exhibit 21.01 to Google, Inc.'s 2004 Annual Report, that I obtained on August 26, 2009 from the Securities and Exchange Commission's EDGAR electronic database.

9. Attached hereto as Exhibit 7 is a true and correct copy of the article *Navigating by Phone*, Palo Alto Weekly, April 28, 2004, that I obtained on August 26, 2009 from the Palo Alto Weekly website at:

http://www.paloaltoonline.com/weekly/morgue/2004/2004_04_28.zipdash28ja.shtml.

10. Attached hereto as Exhibit 8 is a true and correct copy of the article *TECHNOLOGY; That's the Weather, and Now, Let's Go to the Cellphone for the Traffic*, New York Times, March 1, 2004, that I obtained on August 26, 2009 from the New York Times

website at: <http://www.nytimes.com/2004/03/01/business/technology-that-s-the-weather-and-now-let-s-go-to-the-cellphone-for-the-traffic.html>.

11. Attached hereto as Exhibit 9 is a true and correct copy of the T-Mobile USA, Inc.'s (T-Mobile USA") Company Information page that I obtained from T-Mobile USA's website at http://www.t-mobile.com/Company/CompanyInfo.aspx?tp=Abt_Tab_CompanyOverview on August 26, 2009, showing that T-Mobile USA is headquartered in Bellevue, Washington.

12. I have researched, without success, available sources for a Texas-based address for the defendant, Traffic Information LLC ("Traffic"). Attached hereto as Exhibit 10 is a true and correct copy of the Texas Franchise Tax Certification record for Traffic Information LLC, that I obtained on June 1, 2009 at the Texas Comptroller of Public Accounts website at <http://ecpa.cpa.state.tx.us/coa/Index.html>.

13. Attached hereto as Exhibit 11 is a true and correct copy of the Attorney/Agent Information for App. Serial No. 10/367,162 ('606 Patent) and App. Serial No. 09/550,476 ('862 Patent) that I obtained on August 26, 2009 from the United States Patent and Trademark Office PAIR website.

14. Attached hereto as Exhibit 12 are true and correct copies of web pages from the Chernoff Vilhauer McClung & Stenzel LLP website that I obtained on August 26, 2009 from the firm's website at <http://www.chernofflaw.com/>.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Inventor Declaration and Power of Attorney for App. Serial No. 10/367,162 ('606 Patent) that I obtained on August 26, 2009 from the United States Patent and Trademark Office PAIR website.

16. Attached hereto as Exhibit 14 is a true and correct copy of the website for Richard J. Qian that I obtained on August 26, 2009 from <http://richardqian.com/>.

17. Attached hereto as Exhibit 15 are true and correct copies of maps from Google Maps that I obtained on August 26, 2009 showing that witnesses in Mountain View, California, Seattle, Washington, or Portland, Oregon, would have to travel approximately 2000 miles, 2350 miles, and 2300 miles, respectively to the Eastern District of Texas (Marshall), but witnesses from Mountain View and Seattle would have to travel approximately 670 miles and 180 miles, respectively, to attend a hearing or trial in the District of Oregon (Portland).

18. Attached hereto as Exhibit 16 is a true and correct copy of the Google Mobile Blog dated April 7, 2008, "Better Know Your Mobile: Using My Location And Traffic features on Google Maps." That I obtained from <http://googlemobile.blogspot.com/2008/04/better-know-your-mobile-using-my.html>.

19. Attached hereto as Exhibit 17 are true and correct copies of flight enquiries for August 28, 2009 that I obtained on August 26 and 27, 2009 from the websites of Continental Airline and Delta Airline, showing flight times and costs from Seattle, Washington; Mountain View, California; and Portland, Oregon to Shreveport, Louisiana.

20. Attached hereto as Exhibit 18 are true and correct copies of flight enquiries for August 28, 2009 that I obtained on August 27 and 28, 2009 from the websites of United Airlines and American Airlines and United Airlines and Alaska Air, showing flight times and costs from Seattle, Washington and Mountain View, California to Portland, Oregon.

21. Attached hereto as Exhibit 19 are copies of the Judicial Caseload Profiles for the District of Oregon and Eastern District of Texas that I obtained on August 27, 2009 from the Federal Court Management Statistics database at <http://www.uscourts.gov/cgi-bin/cmsd2003.pl>.


22. Attached hereto as Exhibit 20 is a true and correct copy of M. Robbins, *Eastern District Rocket Docket Decelerates in Marshall Division*, Texas Lawyer, August 18, 2008 that I obtained on August 27, 2009 from the Texas Lawyer website at <http://www.law.com/jsp/tx/PubArticleTX.jsp?id=1202423817064&slreturn=1&hbxlogin=1>.

23. Attached hereto as Exhibit 21 is a true and correct copy of the U.S. Attorney information page for the Eastern District of Texas that I obtained on August 27, 2009 from <http://www.usdoj.gov/usao/txe/district/index.html>.

24. Attached hereto as Exhibit 22 is a true and correct copy of the Oregon QuickFacts I obtained on August 27, 2009 from the U.S. Census Bureau website at <http://quickfacts.census.gov/qfd/states/41000.html>.

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

Executed on August 28, 2009.



Christina J. Moser (Ohio Bar No. 0074817)
(admitted *pro hac vice*)