

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

API TECHNOLOGIES, LLC  
Plaintiff,

v.

FACEBOOK, INC., ET AL,  
Defendants.

Civil Action No. 2:09-CV-00147  
JURY TRIAL DEMANDED

**DECLARATION OF ELIZABETH A. WILEY  
IN SUPPORT OF API TECHNOLOGIES, LLC'S RESPONSE TO DEFENDANTS'  
MOTION TO TRANSFER VENUE**

My name is Elizabeth A. Wiley. I am a member of the State Bar of Texas, with The Wiley Firm PC, and one of the counsels of record for API Technologies, LLC ("API") in the above-referenced action. The facts recited below regarding documents and correspondence maintained in the files for this case or regarding information obtained by me personally with regard to API's response ("Response") to the motion to transfer are true and correct and if called upon testify I would truthfully testify thereto based on my personal knowledge as counsel for API and access to API's files and documents.

1. Exhibit 1 is a true and correct copy of the certified copy of the Certificate of Formation for API, which I obtained from the Texas Secretary of State's office via the on-line ordering service for such documents at [www.sos.state.tx.us](http://www.sos.state.tx.us). The certification from the Secretary of State's office also is included as part of this exhibit.

2. Exhibit 2 is a true and correct copy of the web page that I visited by using the Yahoo! search engine and using as or among my search terms "Mitchell Miller," on May 13, 2010, as indicated at the footer of that page. The result obtained based on that search shows his

affiliation with the law firm of Haynes & Boone, LLP, which shows his law firm address to be the same one on which Defendants rely for API's headquarters.

3. Exhibit 3 is a true and correct copy of updated information to show that Haynes & Boone is no longer at its former downtown address but moved from the downtown location to a new location. This information is from the Haynes & Boone, LLP web site, obtained through using the Yahoo! search engine, a search that I performed on May 13, 2010, as indicated on the footer of that page.

4. Exhibit 4 is a true and correct copy of a subpoena served on Acclaim Financial Group, LLC in Bright Response, LLC v. Google Inc.; Yahoo! Inc., et al. ("Bright Response" case), and served at Acclaim Financial Group, LLC's Marshall address, facts of which I have personal knowledge because I, like API's lead counsel Mr. Spangler, also am one of the counsel for the plaintiff, Bright Response, LLC, in the Bright Response case and, therefore, have personal knowledge in that capacity and given my access to the files and documents filed and served in that case and the relevant information concerning these unaffiliated entities with API that have been implicated in discovery in the Bright Response case. This same assertion of personal knowledge applies to the other documents identified below as documents filed or served on the plaintiff in the Bright Response case.

5. Exhibit 5 is a true and correct copy of the documents comprising the subpoena served on Clear with Computers, LLC in the Bright Response case.

6. Exhibit 6 is a true and correct copy of a subpoena served on IP Navigation Group, LLC in the Bright Response case.

7. Exhibit 7 is a true and correct copy of the documents comprising the subpoena served on TechDev Holdings, LLC in the Bright Response case, with an excerpt from a page

comprising TechDev's objections to the subpoena and notice, which is included to reflect that Plutus IP Holdings, LLC is the same company as TechDev Holdings, LLC because of a name change.

8. Exhibit 8 is a true and correct copy of a document obtained from the records on file with the Texas Secretary of State's on-line service for obtaining business corporation documents. This document was obtained by searching by the entity name, entity Acclaim Financial Group, LLC, which search was performed on June 2, 2010, upon which search this document was ordered, emailed, and then maintained in our files for this case.

9. Exhibit 9 is a true and correct copy of the first page of the patent in suit, which is attached to API's original complaint at Dkt. No. 1.

10. Exhibit 10 is a true and correct copy of a web page resulting from a calculation that I did using a maps application on Bing, entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 10 shows the distance from Harpswell, Maine to Marshall, Texas and a map as well, as I printed it to a PDF file. For all the air mile numbers set forth on the table in the Response that represent additional miles to the California venues of San Francisco, San Jose, and Oakland, the distance to each of those venues was calculated as shown on these exhibits below, and then the air miles to Marshall were subtracted from those numbers to determine how much further the distance was to the California venue air miles shown for the distance to the California forums was subtracted from the distance to Marshall, Texas. This calculation is based on a good faith calculation, any errors in which are completely unintentional and due solely to unintended errors by me in performing the calculations.

11. Exhibit 11 is a true and correct copy of the web page resulting from a calculation that I did using a maps application on Bing, entitled Distance Calculator, available at

www.bing.com/maps/explore. Exhibit 11 shows the distance from Harpswell, Maine to San Francisco, CA and a map as well, as I printed it to a PDF file.

12. Exhibit 12 is a true and correct copy of copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 12 shows the distance from Harpswell, Maine to San Jose, California and a map as well, as I printed it to a PDF file.

13. Exhibit 13 is a true and correct copy of copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 13 shows the distance from Harpswell, Maine to Oakland, California and a map as well, as I printed it to a PDF file.

14. Exhibit 14 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 14 shows the distance from Delafield, Wisconsin to Marshall, Texas and a map as well, as I printed it to a PDF file.

15. Exhibit 15 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 15 shows the distance from Delafield, Wisconsin to San Francisco, California and a map as well, as I printed it to a PDF file.

16. Exhibit 16 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 16 shows the distance from Delafield, Wisconsin to San Jose, California and a map as well, as I printed it to a PDF file.

17. Exhibit 17 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 17 shows the distance from Delafield, Wisconsin to Oakland, California and a map as well, as I printed it to a PDF file.

18. Exhibit 18 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 18 shows the distance from Conway, Arkansas to Marshall, Texas and a map as well, as I printed it to a PDF file.

19. Exhibit 19 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 19 shows the distance in air miles from Conway, Arkansas to San Francisco, California and a map as well, as I printed it to a PDF file.

20. Exhibit 20 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 20 shows the distance from Conway, Arkansas to San Jose, California and a map as well, as I printed it to a PDF file.

21. Exhibit 21 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 21 shows the distance in air miles from Conway, Arkansas to Oakland, California and a map as well, as I printed it to a PDF file.

22. Exhibit 22 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at

www.bing.com/maps/explore. Exhibit 22 shows the distance from Vilonia, Arkansas to Marshall, Texas and a map as well, as I printed it to a PDF file.

23. Exhibit 23 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 23 shows the distance from Vilonia, Arkansas to San Francisco, California and a map as well, as I printed it to a PDF file.

24. Exhibit 24 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 24 shows the distance from Vilonia, Arkansas to San Jose, California and a map as well, as I printed it to a PDF file.

25. Exhibit 25 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 25 shows the distance from Vilonia, Arkansas to Oakland, California and a map as well, as I printed it to a PDF file.

26. Exhibit 26 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 26 shows the distance from Washington, D.C. to Marshall, Texas and a map as well, as I printed it to a PDF file.

27. Exhibit 27 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at www.bing.com/maps/explore. Exhibit 27 shows the distance from Washington, D.C. to San Francisco, California and a map as well, as I printed it to a PDF file.

28. Exhibit 28 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 28 shows the distance from Washington, D.C. to San Jose, California and a map as well, as I printed it to a PDF file.

29. Exhibit 29 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 29 shows the distance from Washington, D.C. to Oakland, California and a map as well, as I printed it to a PDF file.

30. Exhibit 30 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 30 shows the distance in air miles from Morro Bay, California to Marshall, Texas and a map as well, as I printed it to a PDF file.

31. Exhibit 31 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 31 shows the distance from Morro Bay, California to San Francisco, California and a map as well, as I printed it to a PDF file.

32. Exhibit 32 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at [www.bing.com/maps/explore](http://www.bing.com/maps/explore). Exhibit 32 shows the distance from Morro Bay, California to San Jose, California and a map as well, as I printed it to a PDF file.

33. Exhibit 33 is a true and correct copy of the distance that I calculated by using a maps application on Bing, one entitled Distance Calculator, available at

www.bing.com/maps/explore. Exhibit 33 shows the distance from Morro Bay, California to Oakland, California and a map as well, as I printed it to a PDF file.

34. Exhibit 34 is a true and correct copy of the order entered on the docket on May 12, 2010 in *Tsera, LLC v. Apple, Inc., et al.*, Case No. 6:09-cv-00312-LED-JDL, as obtained by accessing PACER and obtaining docket number 230.

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

Executed this 3rd day of June, 2010, in Austin, Texas.

A handwritten signature in cursive script that reads "Elizabeth A. Wiley".

/s/ Elizabeth A. Wiley  
Elizabeth A. Wiley