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

VERTICAL COMPUTER SYSTEMS, INC.,

Civil Action No. 2:10-CV-490

Plaintiff,

**Jury Trial Demanded** 

v.

INTERWOVEN, INC., LG ELECTRONICS MOBILECOMM U.S.A., INC., LG ELECTRONICS, INC., SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

## <u>DECLARATION OF BIJAL V. VAKIL IN SUPPORT OF DEFENDANT</u> INTERWOVEN, INC.'S MOTION TO STAY, DISMISS OR TRANSFER

## I, Bijal V. Vakil, declare as follows:

- 1. I am admitted to practice law in the Eastern District of Texas and am a partner with the law firm of White & Case LLP, counsel of record for Interwoven, Inc. in the above-captioned action. I submit this declaration in support of Defendant Interwoven, Inc.'s ("Interwoven") Motion to Stay, Dismiss, or Transfer.
- 2. Attached hereto as Exhibit A is a true and correct copy of excerpts from Interwoven, Inc's 2008 Annual Report Form 10-K. This and all other Securities and Exchange Commission (SEC) filings referenced herein are available at the SEC's website, http://www.sec.gov/edgar/searchedgar/webusers.htm; last accessed January 10, 2010.
- 3. Attached hereto as Exhibit B is a true and correct copy of a printout of Autonomy, Inc.'s website, http://www.autonomy.com/content/Autonomy/introduction/index.en.html; last accessed on December 28, 2010.

4. Attached hereto as Exhibit C is a true and correct copy of the complaint filed by

Interwoven on October 14, 2010 in Interwoven, Inc. v. Vertical Computer Systems, Inc., Case

No. 3:10-cv-04645 (RS) (N.D. Cal.).

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from Vertical's

2005 Annual Report Form 10-KSB.

6. Attached hereto as Exhibit E is a true and correct copy of excerpts from Vertical's

Form 8-K filing from January 17, 2008.

7. Attached hereto as Exhibit F is a true and correct copy of a printout from an

online mapping service showing the distances from Vertical's Richardson, Texas address to the

Dallas Division of the Northern District of Texas, and to the Marshall Division of the Eastern

District of Texas.

8. Attached hereto as Exhibit G is a true and correct copy of excerpts from Vertical's

2009 Annual Report Form 10-K.

9. Attached hereto as Exhibit H is a true and correct copy of Vertical's

Memorandum in Support of its Motion to Transfer, or, in the Alternative, to Dismiss

Interwoven's Complaint for Declaratory Judgment, filed on December 7, 2010, in *Interwoven*,

Inc. v. Vertical Computer Systems, Inc., Case No. 3:10-cv-04645 (RS) (N.D. Cal.).

10. Attached hereto as Exhibit I is a true and correct copy of excerpts from Vertical's

Quarterly Report Form 10-Q for the quarterly period ended September 30, 2010.

11. Attached hereto as Exhibit J is a true and correct copy of an email from Vertical's

counsel, Vasilios ("Bill") D. Dossas to Interwoven's counsel, Bijal V. Vakil, sent January 7,

2011.

Dated: January 10, 2011

Respectfully submitted,

By: <u>/s/ Bijal V. Vakil</u>

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