

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

VERTICAL COMPUTER SYSTEMS, INC.,

Plaintiff,

v.

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

Defendants.

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CIVIL ACTION NO. 2:10-CV-490 TJW

DECLARATION OF SEO-WON KWON

I, Seo-won Kwon, declare as follows:

1. I am over 18 years of age, and am competent to testify as to the matters set forth herein. I make the following statements based upon my own personal knowledge.

2. I am currently a [director of project management] in the [San Jose Mobile Communications Lab] of Samsung Telecommunications America, LLC ("STA"). I joined STA in [2008].

3. Samsung Electronics Co., Ltd. ("SEC") is a Korean corporation with its headquarters in Seoul, Korea.

4. STA is a subsidiary of SEC. STA is a Delaware corporation with its headquarters in Richardson, Texas.

5. SEC is responsible for the research, design, and manufacture of Samsung's Captivate Android Smartphone, Fascinate Android Smartphone, Epic Android Smartphone, Mesmerize i500 Touch Screen Cell Phone, Behold II Android Smartphone, Moment Android Smartphone, Transform Android Smartphone, Vibrant Android Smartphone, and Galaxy Tab tablet computer (collectively "Samsung's Android Devices"). All of these devices use the Android Operating System.

6. SEC obtains the source code for the Android Operating System from Google. This code includes a number of standard Android applications, such as dialer, SMS, email, internet browser, contacts, calendar, alarm clock, calculator, music player, camera, photo album, market, Gmail, Google maps, and YouTube.

7. SEC's development group in Korea is responsible for the research, design and development of Samsung-specific Android applications.

8. SEC's development labs in Korea compile the source code for the Android Operating System, the standard Android applications, and the Samsung-specific Android applications into binary code (executables). The binary code is then sent to SEC's factories in Korea and China, where it is installed onto Samsung's Android Devices.

9. Witnesses and documents relevant to the research, design and manufacture of Samsung's Android Devices are located at SEC's offices in Korea.

10. STA maintains a development lab in San Jose, California, which works with Google on the Android-related aspects of Samsung's Android Devices. This lab performs a variety of software engineering work related to the Android platform, including optimizing device performance and conducting internal benchmarking. The lab also works closely with the Android team at Google to ensure that Samsung's Android Devices adhere to Google's compatibility requirements.

11. Witnesses and documents relevant to Samsung's Android Devices are located at STA's San Jose Lab.

12. STA purchases Samsung's Android Devices from SEC in Korea, and imports them into the USA. STA is then responsible for marketing and selling Samsung's Android Devices to wireless carriers (*e.g.*, Sprint, Verizon, AT&T), which distribute them to retailers and end users.

13. Witnesses and documents relevant to the importation, marketing and sales of Samsung's Android Devices are located at STA's offices in Texas.

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

Executed on February 24, 2011.



Seo-Won Kwon