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

ROCKSTAR CONSORTIUM US LP AND NETSTAR TECHNOLOGIES LLC,))
Plaintiffs, v.)) Civil Action No. 13-cv-00893-RG
GOOGLE INC.) JURY TRIAL DEMANDED)
Defendant.)))

DECLARATION OF ABEER DUBEY IN SUPPORT OF GOOGLE INC.'S MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA

I, Abeer Dubey, state and declare as follows:

- 1. I am an employee of Google Inc. and work at Google Inc.'s Mountain View, California headquarters. I have been a Google employee since 2006.
- 2. I provide this declaration in support of Google's motion to transfer this action to the United States District Court for the Northern District of California. I submit this declaration based upon my knowledge of the corporate structure of Google and my investigation of the location of witnesses and evidence relevant to Plaintiffs Rockstar Consortium US LP and NetStar Technologies LLC's Complaint in this action.
- 3. Plaintiffs' Complaint alleges infringement by Google's search engine and Google AdWords. I have made efforts to identify the location of persons with relevant technical knowledge about these products, as well as the location of persons with relevant business and financial information. I have also made efforts to identify the location of documents and other evidence relevant to this action. As discussed below, the Northern District of California is a significantly more convenient forum than this Court for most Google witnesses likely to testify

in this action, and all relevant documents and evidence are accessible from Google's headquarters in the Northern District.

- Google has been headquartered in Northern California since its founding in 1998.
 It has been headquartered in Mountain View, California (located in the Northern District of California) since 2003.
- 5. Google's Mountain View headquarters is the strategic center of Google's business. Google's Chief Executive Officer and President are based in Mountain View, California. Decisions related to Google's overall business are made in Mountain View, California, including the most significant engineering, sales, and marketing decisions related to Google's search engine and Google AdWords.
- 6. In April 2012, Google opened a small office to temporarily house a handful of employees in Frisco, Texas. None of the employees at this location work on any of the accused instrumentalities identified in the Complaint. Google has no other offices or facilities in the Eastern District of Texas. Google does maintain a small office in Austin, Texas (located in the Western District of Texas). The Google employees in the Austin office are not involved with the development or management of Google's search engine or AdWords, and are instead predominantly involved with Google's enterprise sales group.
- 7. The majority of the development work for Google's search engine and AdWords took place at Google's Mountain View headquarters. Google's ongoing development efforts, operations, and records regarding Google's search engine and AdWords are also predominantly based at the Mountain View headquarters. Google engineers with relevant technical knowledge of the search engine or AdWords are also predominantly located at these headquarters, as are Google employees familiar with relevant business and financial aspects of these products.

- 8. In addition, Graham Spencer, Ben Lutch, and Michael Burrows all currently work for Google at our Mountain View headquarters.
- 9. I am currently aware of no Google employees with relevant knowledge regarding Google's search engine or Google AdWords working in Google's facilities in Texas or in the Eastern District of Texas.
- AdWords are available in Mountain View, California, or are stored on Google's various secure servers, which are accessible and ultimately managed from Mountain View. These documents include technical documents related to Google's search engine and Google AdWords, as well as documents related to Google's operations, marketing, financials, and customer-service concerning these products.

Garley