

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

EMG TECHNOLOGY, LLC,	§	
	§	Hon. Leonard Davis
Plaintiff,	§	Civil Action No. 6:08-CV-00447
	§	Jury Trial Demanded
v.	§	
	§	
APPLE INC.,	§	
AMERICAN AIRLINES, INC.,	§	
DELL, INC.,	§	
HYATT CORPORATION,	§	
MARRIOTT INTERNATIONAL, INC., &	§	
BARNES & NOBLE, INC.	§	
	§	
Defendants.	§	

**SECOND DECLARATION OF J. CHRISTOPHER CARRAWAY
IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER**

1. I, J. Christopher Carraway, am an attorney with Klarquist Sparkman, LLP, counsel for Defendant Microsoft Corporation in Case No. 6:09-cv-00367, and I have been admitted *pro hac vice* to practice in this Court for that case. I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.

2. In an effort to approximate the relative number of Verizon Wireless, AT&T Wireless, and Sprint retail stores within a 20-25 mile radius of the Federal courthouses in Tyler, Texas and Los Angeles, California, I used the store locator tools available on those companies' websites, specifically at:

<http://www.wireless.att.com/find-a-store/>

<http://www.verizonwireless.com/b2c/storelocator/index.jsp>

<http://storelocator.sprint.com/SL2/Default.aspx>.

Because those websites locate stores within range of a zip code, I used the zip code 90012, in which the Los Angeles Federal courthouse is located, and the zip code 75702, in which the Tyler

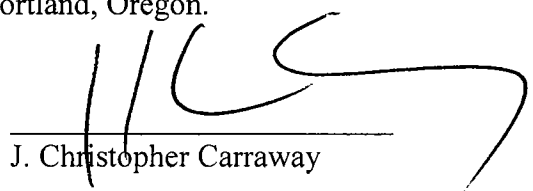
Federal courthouse is located. The Sprint and AT&T Wireless websites allowed a search for stores within 20 miles (but not 25 miles), while the Verizon Wireless website allowed a search for stores within 25 miles (but not 20 miles). Attached as Exhibit 1 is a true and accurate copy of the website search results for stores close to the Los Angeles courthouse. Attached as Exhibit 2 is a true and accurate copy of the website search results for stores close to the Tyler courthouse. The results of the search are summarized below:

Federal Courthouse (Zip Code)	Sprint Retail Stores Within 20 Miles	AT&T Wireless Retail Stores Within 20 Miles	Verizon Wireless Retail Stores Within 20 Miles	TOTAL
Tyler, TX (75702)	1	2	2	5
Los Angeles, CA (90012)	61	50	40	151

3. Attached as Exhibit 3 is a true and correct copy of relevant pages of a redlined draft Protective Order showing changes made by EMG's counsel to a draft proposed by Apple's counsel.

4. I declare under penalty of perjury that the foregoing statements are true.

Executed this 28th day of January, 2010 in Portland, Oregon.



J. Christopher Carraway