

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

EOLAS TECHNOLOGIES
INCORPORATED,

Plaintiff,

vs.

ADOBE SYSTEMS INC., et al.,

Defendants.

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Civil Action No. 6:09-cv-00446

Judge Leonard Davis

Jury Trial Demanded

**DECLARATION OF GOOGLE INC. AND YOUTUBE, LLC
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

I, Prasad Setty, do state and declare as follows:

- 1. I am the Director of People Analytics and Compensation at Google Inc. (“Google”) in Mountain View, California. I have been employed by Google since 2007. I make this declaration in support of Defendants’ Motion to Transfer, filed herewith. Unless otherwise stated, the matters contained in this declaration are of my own personal knowledge and, if called as a witness, I could and would testify competently to the matters set forth herein.
- 2. Google is a Delaware corporation headquartered in Mountain View, California.
- 3. YouTube, LLC (“YouTube”) is a Delaware corporation headquartered in San Bruno, California, and is a subsidiary of Google Inc.

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4. I understand that Plaintiff Eolas Technologies Inc. (“EOLAS”) alleges that Google has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, United States Patent No. 5,838,906 and/or United States Patent No. 7,599,985 by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.google.com and maintained on servers located in and/or accessible from the United States under the control of Google; (ii) software, including without limitation, browser software and software that allows content to be interactively presented in and/or served to browsers, including, without limitation, Chrome for Windows and Chrome for the Mac; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing (“Google accused products”). I also understand that EOLAS has generally accused YouTube’s website at www.youtube.com of infringement.

5. Google was founded in Northern California and is headquartered in Mountain View, California, where many of whom are involved on projects related to the Google accused products, specifically the Google Chrome Browser (“Chrome”). The teams responsible for research, design, and development for Chrome are led by personnel that have been, and are, located at Google’s facilities in Mountain View, California. Google’s business documents and records relating to the research, design, and development of Chrome are either physically present or electronically accessible in Mountain View, California. While Chrome is made available for free, the teams responsible for marketing and distribution of Chrome are led by personnel that have been, and are, located in Google’s facilities in Mountain View, California.

6. YouTube was founded in Northern California and is headquartered in San Bruno, California, where the majority of its employees work and are involved on projects related to YouTube. The teams responsible for research, design, and development for YouTube are led by personnel that have been, and are, located in San Bruno, California (or elsewhere in the Northern District of California). YouTube's business documents and records relating to the research, design, and development of YouTube are either physically present or electronically accessible in San Bruno, California. The teams responsible for marketing for YouTube are led by personnel that have been, and are, located primarily in San Bruno, California (or elsewhere in the Northern District of California).

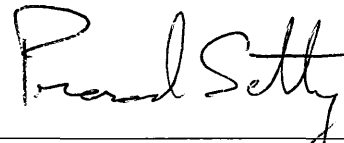
7. Based on information that Google and YouTube have gathered to date and their current understanding of the case, I understand that at least the following employees in Northern California have relevant knowledge about the development, operation, and marketing of Chrome, YouTube, or relevant knowledge to this case:

Employee Name	Location	Title/Department
Linus Upson	Mountain View, CA	Vice President, Engineering
Christos Apartoglou	Mountain View, CA	Product Marketing Manager
Min Li Chan	Mountain View, CA	Product Marketing Manager
Chris Wright	Mountain View, CA	Product Marketing Manager
Sarah Nahm	Mountain View, CA	Product Marketing Manager
Brian Rakowski	Mountain View, CA	Product Manager
Mayuresh Saoji	Mountain View, CA	Business Product Manager, Client Application Distribution
Job Lawrence	Mountain View, CA	Senior Manager, Partner Strategy & Analytics

Employee Name	Location	Title/Department
Jim Kolotouros	Mountain View, CA	Director of Distribution Partnerships
Jack Ancone	Mountain View, CA	Director, New Business Development
Amin Zoufonoun	Mountain View, CA	Director, Corporate Development

8. There are no Google or YouTube offices or facilities in the Eastern District of Texas. Accordingly, upon information and belief, there are no foreseeable Google or YouTube internal documents, electronically stored information, or tangible things relevant to this case physically present within the Eastern District of Texas.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 3, 2010 in Mountain View, California.



 Prasad Setty