

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

UNILOC USA, INC., ET AL.

Plaintiff,

v.

**NATIONAL INSTRUMENTS CORP., ET
AL.,**

Defendants.

Civil Action No. 6:10-cv-472-LED

JURY TRIAL DEMANDED

**FILEMAKER'S JOINDER IN DEFENDANTS'
MOTION TO TRANSFER VENUE UNDER 28 U.S.C. § 1404(a)**

FileMaker, Inc. ("FileMaker") hereby joins in Defendants' motion to transfer this case to the United States District Court for the District of Rhode Island pursuant to 28 U.S.C. § 1404(a). (Dkt. No. 113).

FileMaker is subject to personal jurisdiction in Rhode Island. (Exhibit 1, Declaration of FileMaker at ¶ 3 and 4.) FileMaker files this joinder separately only to address a statement in Uniloc's complaint. At Paragraph 9, Uniloc states, *inter alia*: "FileMaker also regularly conducts business in this jurisdiction at 5845 Concord Lane, Lewisville, Texas." FileMaker presently has only one employee in Texas, a salesperson focusing on the K-12 educational market. (Exhibit 1, Declaration of FileMaker at ¶ 6.) FileMaker does not expect that this employee's testimony will be relevant to the claims or defenses anticipated in this action. (*Id.*) Aside from that employee, FileMaker does not maintain any facilities, employees, or documents in the Eastern District of Texas. (*Id.*)

For the reasons set forth in Docket No. 113, FileMaker respectfully requests that this case be transferred to the United States District Court for the District of Rhode Island.

Dated: March 25, 2011

Respectfully submitted,

GILLAM & SMITH, L.L.P.

/s/Melissa Richards Smith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served, via the Court's CM/ECF system per Local Rule CV-5(a)(3), upon all counsel of record, as identified below, on March 25, 2011:

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