

**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**

**DECLARATION OF JOHN PINHEIRO IN SUPPORT OF  
FILEMAKER'S MOTION TO TRANSFER**

I, JOHN PINHEIRO, declare as follows:

1. I am Vice President of Legal and Human Resources of FileMaker, Inc. ("FileMaker"). I submit this Declaration in support of defendants' Motion to Transfer Venue Under Rule 28 U.S.C. § 1404(a). I have personal knowledge of the facts set forth in this Declaration acquired through my work experience at FileMaker.
2. FileMaker is a company organized and existing under the laws of Delaware with its principal place of business located in Santa Clara, California.
3. I am aware that the Plaintiffs Uniloc USA, Inc. and Uniloc Singapore Private Limited (collectively, "Uniloc") allege that FileMaker's products "FileMaker Pro" and "FileMaker Pro Advanced" directly and/or indirectly infringes U.S. Patent No. 5,490,216, "by, among other things, making, using, offering for sale, selling and/or importing a system, device and/or method for reducing software piracy, reducing casual copying and/or reducing the unauthorized use of software, including without limitation its FileMaker Pro and FileMaker Pro Advanced products that permit customers to activate and/or register software."

4. FileMaker has offered for sale and has sold the accused FileMaker Pro and FileMaker Pro Advanced products in Rhode Island.

5. I am aware that Uniloc further alleges that “FileMaker also regularly conducts business in this jurisdiction at 5845 Concord Lane, Lewisville, Texas.”

6. FileMaker presently has only one employee in Texas, a salesperson focusing on the K-12 educational market. I am not aware of any way in which that employee would be relevant to the claims or defenses anticipated in this action. Aside from that employee, FileMaker does not otherwise maintain any facilities, employees, or documents in the Eastern District of Texas.

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

Dated: March 24, 2011

  
\_\_\_\_\_  
JOHN PINHEIRO