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

UNILOC USA, INC. and
 	
UNILOC SINGAPORE PRIVATE LIMITED,
 	
       Plaintiffs,
 	
    v.
 	
NATIONAL INSTRUMENTS CORP. et al.,
 	
       Defendants.
	Case No. 6:10-CV-472-LED

SUPPLEMENTAL DECLARATION OF MARK A. FLAGEL IN SUPPORT OF SYMANTEC CORPORATION'S MOTION TO DISMISS FOR IMPROPER VENUE, PURSUANT TO RULE 12(B)(3), FEDERAL RULES OF CIVIL PROCEDURE

I, Mark A. Flagel, declare as follows:

1.   I have personal knowledge of the facts contained in this declaration, except where indicated otherwise, and if called upon to do so, I could and would testify competently thereto.

2.   I am a partner with the law firm of Latham & Watkins LLP, counsel of record for Defendant and Counterclaim-Plaintiff Symantec Corporation ("Symantec"). I am a member in good standing of the State Bar of California. I submit this declaration in support of Symantec's Motion to Dismiss.

3.   Attached hereto as **Exhibit J** is a true and correct copy of Uniloc's Motion to Transfer Venue to the United States District Court for the Eastern District of Texas or, in the Alternative, to Dismiss ("Uniloc's Motion to Transfer"), filed in *Symantec Corp. v. Uniloc USA, Inc.*, No. SACV10-01483 DOC (MLGx) (C.D. Cal.) ("California action").

4.   Attached hereto as **Exhibit K** is a true and correct copy of Symantec's Opposition to Uniloc's Motion to Transfer.

5.   Attached hereto as **Exhibit L** is a true and correct copy of the Declaration of James Kazanegras in Support of Symantec's Opposition to Uniloc's Motion to Transfer.

6.   Attached hereto as **Exhibit M** is a true and correct copy of Uniloc's Reply in Support of Uniloc's Motion to Transfer.

7.   Attached hereto as **Exhibit N** is a true and correct copy of Symantec's Motion to Enjoin Uniloc from Proceeding with Duplicative Action as Against Symantec, and to Require Uniloc to Dismiss Symantec as a Defendant from that Action ("Symantec's Motion to Enjoin"), filed in the California action.

8.   Attached hereto as **Exhibit O** is a true and correct copy of Uniloc's Opposition to Symantec's Motion to Enjoin.

9.   Attached hereto as **Exhibit P** is a true and correct copy of Symantec's Reply in

Support of Symantec's Motion to Enjoin.

10.   Attached hereto as **Exhibit Q** is a true and correct copy of the Certificate of

Formation in Texas for Uniloc USA, Inc., obtained through the website for the

Texas Secretary of State.

11.   Attached hereto as **Exhibit R** is a true and correct copy of the Summary Screen

for Uniloc USA, Inc., accessed through the website for the Rhode Island Secretary of State.

12.   Attached hereto as **Exhibit S** is a true and correct copy of a declaration in support

of Uniloc's opposition to a motion to transfer venue to Rhode Island filed in *Uniloc USA, Inc. v.*

BCL Techs., No. 6:10-CV-18-LED-JDL (E.D. Tex.). The docket report for this case shows that

the motion to transfer venue was filed on March 17, 2010.

13.   Attached hereto as **Exhibit T** is a true and correct copy of Defendants' Motion to

Transfer Venue Under 28 U.S.C. § 1404(a), filed on December 7, 2010 in *Uniloc USA, Inc. v.*

Sony Corp. of Am., No. 6:10-cv-00373-LED (E.D. Tex.).

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct to the best of my knowledge and ability.

Executed on December 10, 2010   */s/ Mark A. Flagel*
                                                        Mark A. Flagel