



I, Jon Maron, state and declare as follows:

1. I am an employee of HTC America, Inc. ("HTC America"), a defendant in this action. I am the Vice-President responsible for all marketing activities of HTC products in North America. I have personal knowledge of the following facts or access to HTC Corp. and HTC America employees' corporate information and/or records allowing me to confirm these facts. If called as a witness, I could and would competently testify thereto.

2. HTC Corporation ("HTC Corp.") is a Taiwanese corporation with its headquarters in Taoyuan, Taiwan. HTC America is a Washington corporation with its principal place of business and headquarters in Bellevue, Washington in the Seattle, Washington area. HTC Corp. is the parent company of HTC America. (HTC Corp. and HTC America shall be collectively referred to hereafter as "HTC").

3. Exedea is a wholly owned subsidiary of HTC B.V.I. Exedea remains formally incorporated as a Texas corporation, but it has closed its Houston, Texas office, and does not have any office in the United States. In July 2010, Exedea closed down its website. It maintains one employee in Taiwan who serves as its director and secretary.

4. HTC Corp. manufactures cell phones in China and Taiwan. HTC Corp.'s operations in the United States are managed by and coordinated through HTC America's headquarters in Bellevue, Washington. The largest concentration of HTC America employees in the United States is in Bellevue, Washington. To my knowledge, neither HTC Corp., nor HTC America, nor Exedea has offices in the Eastern District of Texas.

5. HTC does not operate any retail stores in the United States and does not conduct any retail operations in the United States. HTC does not sell the accused cell phones directly to

any end user consumer in the United States. HTC does not ship its phones directly to any individual retail store in any state, including Texas.

6. HTC sells cell phones only to distributors, carriers and third-party vendors in the United States.

7. HTC records and equipment relating to the design, manufacture and operation of its cell phones are located in Washington, Northern California, and Taiwan. HTC's records related to corporate finance, marketing, market analysis and forecasts are primarily located in Washington and Taiwan. Sales and marketing documents, including sales literature, forecasts, and market analyses that pertain to the U.S. market, are maintained primarily in Bellevue, Washington (and to a lesser degree in Taiwan). Some design and development documents may also be found in HTC's Washington offices. To my knowledge, no documents relevant to this action are located in the Eastern District of Texas.

8. HTC has a facility in San Francisco that primarily focuses on hardware and usability design for HTC mobile devices. To the best of my knowledge, approximately 16 people work at HTC's San Francisco facility. One of these employees, in particular, is instrumental in HTC's overall product roadmap portfolio design. The San Francisco office also has design documents related to HTC's cell phones.

9. HTC maintains no offices in Texas, having recently closed its repair facility in Houston.

10. Almost all of the HTC engineers who have worked on the design, development, and manufacture of HTC's cell phones work and live in Taiwan or the state of Washington. HTC America employees who possess knowledge likely relevant to the present case include:

- a. Jon Maron, regarding costs of HTC mobile phones as well as general marketing of HTC mobile phones in the United States;
- b. Phillip Fe, regarding sales of HTC phones in the United States and associated profits and costs;
- c. Martin Fichter, regarding product planning and product management;
- d. Matt Tyler, chief technologist, regarding general technical questions.

All of these individuals work in or near HTC America's headquarters in Bellevue, Washington.

11. A relatively small number of employees also work out of their homes close to customer locations in different parts of America. To the best of my knowledge, no HTC engineers live or work in the Eastern District of Texas. To the best of my knowledge, no HTC engineers live or work within 100 miles of Tyler, Texas.

12. The HTC Corp. employees with knowledge of technical aspects of HTC phones and distribution of HTC phones to the United States reside in Taiwan, including:

- a. Hsiu Lai (regarding sales, distribution, profits and costs of HTC mobile phones); and
- b. Frank Wu (regarding protocol standardization).

13. HTC has worked with, and continues to obtain chipsets for HTC cell phones from Qualcomm. Qualcomm is based in San Diego, California. I am informed that Wi-LAN has accused nine HTC cell phone devices of infringing: the Aria, HD2, Imagio, Pure, Tilt 2, Touch Cruise, G1, myTouch3G, and Dash 3GPP. All nine of these HTC devices utilize Qualcomm chipsets. To the best of my current knowledge, the documentation and source code relating to the Qualcomm chipsets in the devices named by Wi-LAN, and the persons most knowledgeable about the design and operation of these chipsets, are at Qualcomm, not HTC.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing facts are true and correct based on my own personal knowledge. Executed on

1/25, 2011.



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JON MARON