

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WI-LAN, INC.

Plaintiff,

v.

ALCATEL-LUCENT USA INC.;
TELEFONAKTIEBOLAGET LM
ERICSSON; ERICSSON INC.; SONY
ERICSSON MOBILE COMMUNICATIONS
AB; SONY ERICSSON MOBILE
COMMUNICATIONS (USA) INS.; HTC
CORPORATION; HTC AMERICA, INC.;
EXEDEA INC.; LG ELECTRONICS, INC.;
LG ELECTRONICS MOBILECOMM U.S.A.,
INC.; LG ELECTRONICS U.S.A., INC.

Defendants.

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Civil Action No. 6:10-cv-521

DECLARATION OF JAMES CLIFFORD IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER VENUE TO UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. §1404(a)

I, James Clifford, state and declare as follows:

1. I have been employed by Qualcomm Inc. ("Qualcomm") since October 24, 1994, and my title is Senior VP and GM, Operations with Qualcomm CDMA Technologies (QCT) Headquarters. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or corporate records maintained by Qualcomm in the ordinary course of business.

2. Qualcomm is a California company and its principal place of business is in San Diego, California.

3. Qualcomm has 41 offices located in California, including offices in San Diego,


Los Angeles, San Jose, and Santa Clara.

4. Qualcomm has no offices or employees located in the Eastern District of Texas.

5. I am informed that the following Qualcomm chipsets are contained in the IITC Corp. and IITC America (collectively "IITC") devices Plaintiff has listed as accused of infringement in this case: MSM760X, MSM7201A, MSM7600, MSM7225. I am aware of no documents possessed by Qualcomm concerning, or Qualcomm employees with knowledge relevant to, these Qualcomm chipsets that are located in the Eastern District of Texas, or within 100 miles of the Court in Tyler, Texas.

6. Qualcomm documents and source code relating to these chipsets are housed on servers located at Qualcomm's corporate headquarters in San Diego, California. Furthermore, the Qualcomm employees with knowledge relating to these chipsets are located primarily in San Diego, California. Most of Qualcomm's employees are located in San Diego, California, including most of those involved in the design, development, marketing and sales of the Qualcomm chipsets contained in the HTC accused devices. Qualcomm is under no obligation to send these employees to Tyler, Texas, and will likely not agree to do so absent compulsory court process.

I declare under the 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 January 6, 2011, in San Diego, California.


James Clifford