

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

AGIS SOFTWARE DEVELOPMENT, LLC

Plaintiff,

v.

HUAWEI DEVICE USA INC., HUAWEI
DEVICE CO., LTD. AND HUAWEI DEVICE
(DONGGUAN) CO., LTD.

Defendants.

CIVIL ACTION NO. 2:17-cv-513-JRG

JURY TRIAL DEMANDED

**DECLARATION OF YAO WANG IN SUPPORT OF
DEFENDANTS' MOTION TO TRANSFER VENUE**

I, Yao Wang, state and declare as follows:

1. I am a Principal Engineer at Huawei Device USA, Inc. ("Huawei Device USA") and work out of Huawei Device USA's Santa Clara, California office. I have been employed by Huawei Device USA since 2008. I work in the America Research Center of Huawei Device USA as the interface person with Google.

2. I provide this declaration in support of Defendants' motion to transfer the above-captioned action to the United States District Court for the Northern District of California. I submit this declaration based upon my personal knowledge of the corporate structure of Huawei Device USA and its parent companies, and my reasonable investigation of the location of witnesses and evidence related to the Huawei devices, and certain Android applications available for those devices, which I understand plaintiff AGIS Software Development, LLC ("AGIS") has accused of patent infringement. If called as a witness, I would and could testify competently as to the same.

3. Huawei Device USA is a Texas corporation with its principal place of business located at 5700 Tennyson Parkway, Suite 600, Plano, Texas 75024. Huawei Device USA is a wholly owned subsidiary of Huawei Device (Hong Kong) Co., Ltd., which is a wholly owned subsidiary of Huawei Device Co., Ltd. Huawei Technologies Co., Ltd. (“Huawei Technologies”), which is a diversified Chinese multinational networking and telecommunications equipment and service company headquartered in Shenzhen, China, is a parent company to Huawei Device Co., Ltd.

4. Huawei Device USA sells a range of consumer products throughout the United States (“U.S.”), including smartphones, tablets, wearable devices and accessories. The consumer products sold within the U.S. by Huawei Device USA, including specifically Huawei Android-based smartphones and tablets, are designed and manufactured outside the U.S. by non-U.S. subsidiaries of Huawei Technologies. No design or manufacture of Huawei smartphone and tablet hardware occurs within the U.S., including the State of Texas.

5. In addition to selling Huawei Technologies’ consumer products in the U.S., Huawei Device USA also participates in research, development and testing efforts for the Huawei Technologies’ smartphone and tablet products sold within the U.S. I understand that AGIS has accused the following Huawei smartphone devices of infringement: The Union, Mate 9, Nexus 6P, GX8 and P8lite devices (the “Accused Devices”). Huawei Device USA’s research, development and testing for those products occurs primarily within California at Huawei Device USA’s facilities in the State of California. In particular, Huawei Device USA has offices in Santa Clara and Mountain View, California. Huawei Device USA currently has over 50 employees in these two facilities. The Santa Clara and Mountain View facilities in Northern California are involved in the research, development, and marketing of Huawei smartphones in

the United States. Huawei Device USA also has an office in San Diego, California and currently employs over 60 people involved in certain smartphone technology research and development. Over half of the total Huawei Device USA employees work at Huawei facilities located in the State of California. Only approximately 50 Huawei Device USA employees work in the Huawei facility located in Plano, Texas.

6. Huawei Device USA's smartphone technology research and development efforts include configuration of Huawei's smartphone and tablet products to be compatible with or support third-party software applications. These efforts include work with software applications provided by Google LLC ("Google"). I understand that AGIS has alleged that Huawei Android-based smartphone and tablets are compatible with or support certain Android applications and/or features provided by Google, such as Google Maps, Android Device Manager, Find My Device, Google Messages, Android Messenger, Google Hangouts, Google Plus and Google Latitude. Huawei Device USA's development team in Santa Clara, CA, within the Northern District of California, primarily is responsible for working with Google with respect to those applications.

7. The employees of Huawei USA who are most knowledgeable about the design, development and testing of the accused smartphones work and/or reside in San Diego or Silicon Valley.

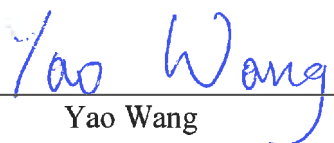
8. Huawei Device USA is also responsible for sales and marketing for Huawei smartphones and tablets sold within the U.S. Huawei Device USA employs Wen Wen, who works at the Bellevue facility and is responsible for sales and marketing of Huawei smartphones and tablets in the U.S.

9. While Huawei Device USA has its headquarters in Plano, Texas, none of its Plano-based employees are involved in research or development of Huawei smartphones and

tablets, including the software installed on those devices, or sales and marketing of Huawei smartphones and tablets in the U.S. Huawei Device USA's Plano facility primarily handles corporate-level functions that are not product or technology specific, such as human resources, general administration, finance and service functions.

10. Nearly all of Huawei Device USA's documents relating to the research and development, testing, sales and marketing of the accused Huawei smartphone and tablet products, and certain Android applications and/or features available for those devices, are either physically present in or electronically accessible from Huawei Device USA's California facilities in San Diego and Santa Clara.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Santa Clara, California on November 8, 2017.


Yao Wang