

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

vs.

HTC CORPORATION,

Defendant.

CIVIL ACTION NO. 2:17-cv-514-JRG

JURY TRIAL DEMANDED

**DECLARATION OF RICHARD LIN IN SUPPORT OF DEFENDANT HTC  
CORPORATION'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(2)  
OR, IN THE ALTERNATIVE, TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(A)  
TO THE NORTHERN DISTRICT OF CALIFORNIA**

138159044.1

I, Richard Lin, hereby declare as follows:

1. I am Vice President, Product Management at HTC Corporation (“HTC Corp.”)

My office is located in New Taipei City, Taiwan. I have personal knowledge of the following facts or access to information and/or records allowing me to confirm these facts.

2. HTC Corp. is a Taiwanese corporation with a principal place of business in New Taipei City, Taiwan. HTC Corp. develops, tests, and manufactures Android smartphones in Taiwan. HTC Corp. developed, tested, and manufactured the Desire 626s, U11, U Ultra, 10, and Bolt.

3. The vast majority of HTC Corp.’s employees are located in Taiwan. HTC Corp. does not have any U.S. employees based in the Eastern District of Texas involved in the development and testing of its smartphones.

4. HTC Corp. does not make, use, sell, offer for sale, advertise, or market any HTC products in the United States and Texas, nor does HTC Corp. import any HTC products into United States and Texas. HTC Corp. does not have any facilities, retail stores, or employees in the Eastern District of Texas.

5. HTC Corp. does not target Texas in marketing, design, or sales. HTC Corp. does not direct any third-party to sell or market smartphones in Texas, and they are under no obligation to sell or market smartphones in Texas.

6. HTC Corp.’s employees work in Taiwan to ensure that its Android smartphones adhere to Google Inc.’s (“Google”) compliance requirements. HTC Corp. employees periodically work in the San Francisco bay area with Google employees.

7. HTC Corp. installs Google-made applications obtained from Google. HTC Corp. does not receive the source code to or modify Google-made apps and services such as Find My Device, Google Hangouts, Google Plus, Google Latitude, and Google Maps.

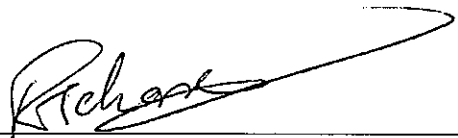
8. HTC Corp. maintains its engineering, marketing, and finance documents in Taiwan. HTC Corp. does not maintain any records relating to engineering, marketing, and finance in the Eastern District of Texas.

9. HTC America, Inc. ("HTC America") is a Washington State corporation with its principal place of business and headquarters in Seattle, Washington. HTC America is a subsidiary of HTC Corp.

10. HTC America Innovation, Inc. ("HTC Innovation") is a Washington State corporation with its headquarters in Washington. HTC Innovation is a subsidiary of HTC Corp. and primarily focuses on industrial and usability design for smartphones. HTC Innovation has a facility in San Francisco that employees of HTC Corp. can use to work remotely and securely access documents. HTC Innovation does not have any facilities or employees in the Eastern District of Texas.

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.

Date: Jan - 22 - 2018

  
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Richard Lin