

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 DAVID WIGGINS 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

138159043.1

I, David Wiggins, hereby declare as follows:

1. I am an employee of HTC America, Inc. (“HTC America”). In particular, I am the Executive Patent Litigation Director for HTC America. HTC America’s office is located in Seattle, Washington and I maintain a remote office in San Diego. I have personal knowledge of the following facts or access to information and/or records allowing me to confirm these facts.

If called as a witness, I could and would competently testify thereto.

2. HTC America imports, into the United States, smartphones made by HTC Corporation. HTC America does not have any employee responsible for importing, marketing, or selling in the Eastern District of Texas. The employees responsible for importing, marketing, or selling smartphones are primarily located in the State of Washington.

3. HTC America’s employees based in Washington are foreseeable witnesses in this case. Prospective witnesses include Nigel Newby-House, AVP, Product Planning & Go-To-Market, Seattle, WA and Andrew Pudduck, VP Marketing, Seattle, WA.

4. HTC America does not sell smartphones directly to any end user consumer in the United States. HTC America sells smartphones to third-party distributors and carriers in the United States. HTC America does not control when and where third parties sell smartphones to end users within the United States. HTC America does not target the Eastern District of Texas in marketing, design, or sales nor does it direct any third-party to sell or market smartphones in the Eastern District of Texas.

5. HTC America maintains its records relating to sales, finance, marketing, market analysis, and forecasts in the state of Washington. HTC America does not maintain any documents in the Eastern District of Texas.

6. HTC America Innovation, Inc. ("HTC Innovation") is a Washington State corporation with its headquarters in Washington. HTC Innovation has a facility in San Francisco that employees of HTC America can use to work remotely and securely access documents.

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, including information provided to me by knowledgeable HTC America employees.

Date:

1-22-2018



David Wiggins