



United States Department of State

Washington, D.C. 20520

March 12, 2018

United States District Court for the Eastern District of Texas  
Marshall Division  
100 E Houston Street  
Marshall, Texas 75670

Re: AGIS Software Development, LLC v. HTC Corporation,  
Case No. 2:17-CV-00514-JRG

To Whom It May Concern:

Please find the enclosed response to your request for judicial assistance from the American Institute in Taiwan.

If you have any questions regarding this matter please do not hesitate to contact this office at [ask-ocs-1@state.gov](mailto:ask-ocs-1@state.gov).

Sincerely,

Office of Legal Affairs  
Overseas Citizens Services  
U.S. Department of State

Cc: Process Service Network

Taiwan )  
City of Taipei )  
American Institute in Taiwan ) ss:  
Taipei Office )

I, Melissa Horwitz, hereby depose and say as follows:

1. I am employed by the American Institute in Taiwan and am presently stationed at the American Institute in Taiwan, Taipei Office, Consular Section, American Citizen Services Unit.
2. In the absence of diplomatic relations, unofficial commercial, cultural and other relations between the people of the United States and the people of Taiwan are conducted by the American Institute in Taiwan, an unofficial organization funded by Congress.
3. The American Institute in Taiwan (“AIT”), a nonprofit entity incorporated under the laws of the District of Columbia, is authorized to assist and “... protect the interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.” See 22 U.S.C. 3305, 3306(a)(3). The judicial assistance acts of AIT personnel parallel the acts performed by U.S. consular officers under 28 U.S.C. 1781(a)(2). See 22 C.F.R. 92.54, 92.66.
4. Pursuant to Section 10(a) of the Taiwan Relations Act, 22 U.S.C. 3309(a), Taipei Economic and Cultural Representative Office (TECRO) is the instrumentality established by the people on Taiwan having the necessary authority under the laws of Taiwan to take actions on behalf of Taiwan in accordance with the Taiwan Relations Act (22 U.S.C. 3301 et seq. (Section 1-204, Ex. Or. No. 12143 of 6/22/79, 44 Fed Reg 37191).
5. Officers of AIT follow the guidelines for performance of consular services set forth in 22 C.F.R. Part 92 and Volume 7 of the U.S. Department of State’s Foreign Affairs Manual (“FAM”). 7 FAM Chapter 900 governs the performance of services related to international judicial assistance.
6. 22 U.S.C. 3306(b) provides that acts performed by authorized employees of AIT under 22 U.S.C. 3306 are valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.
7. Letters rogatory issued by a tribunal in the United States requesting international judicial assistance from Taiwan are transmitted, pursuant to

28 U.S.C. 1781(a)(2) to the foreign tribunal, officer, or agency to whom it is addressed through AIT. AIT transmits the request to TECRO, which forwards it to the appropriate Taiwan authority in a position to assign the request to a tribunal for execution. The executed request is received by AIT from TECRO and returned to the requesting tribunal in the United States.

8. On October 27, 2017, AIT received two sets of letters rogatory and accompanying documents requesting judicial assistance in the matter of AGIS Software Development, LLC v. HTC Corporation, Civil No. 2:17-CV-00514-JRG, service upon HTC Corporation. On November 2, 2017, AIT transmitted these to TECRO for action.

9. On January 23, 2017, AIT received a communication from TECRO stating that the service has been effected on November 16, 2017 by the Taiwan Taoyuan District Court.

I declare under penalty of perjury that the foregoing is true and correct.



Melissa Horwitz  
Consular Officer

Executed in Taipei, Taiwan  
On February 1, 2018

The foregoing Unsworn Declaration Under Penalty of Perjury was executed in accordance with 28 U.S.C. 1746.

北美事務協調委員會  
駐美國台北經濟文化代表處總部  
*Coordination Council for North American Affairs*  
*Headquarters for*  
*Taipei Economic and Cultural Representative Office in the U.S.*  
*(TECRO)*  
133 Bo Ai Road, Taipei City 10048, Taiwan, Republic of China  
Tel: (02) 23119212 Fax: (02) 23822651

JAN 23 2018

Ref No: TECRO 10758000700

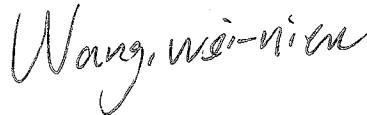
January 22, 2018

Ms. Lara Harris  
Chief  
Consular Section  
American Institute in Taiwan  
Taipei Office  
7, Lane 134, Xinyi Road, Sec. 3  
Taipei 10659

Dear Ms. Harris,

In reply to AIT/T's letter (AIT-0953-2017) dated October 31, 2017, concerning the transmittal of legal documents to HTC Corporation, I am writing to inform you that the documents have been duly served. Enclosed please find the certificate of service from the Taiwan Taoyuan District Court for your reference.

Sincerely yours,



Wayne Wang  
Chief  
Administrative Division

## 臺灣桃園地方法院 函

地 址：33056桃園市桃園區仁愛路120 號  
傳 真：(03)217-1292  
承 辦 人：忠股  
聯絡方式：(03)379-5470轉2315

受文者：外交部條約法律司

發文日期：中華民國 106 年 12 月 05 日  
發文字號：桃院彙民忠106助40字第 號  
連別：  
密等及解密條件：1060032035  
附件：

主旨：檢送相對人HTC Corporation 送達證書正本1 件，請查收。

說明：

- 一、本院受理106 年度助字第40號美洲法院囑託文書送達事件，業已辦畢。
- 二、覆貴司民國106 年11月10日條法字第10624090440號函。

正本：外交部條約法律司〈設台北市凱達格蘭大道二號〉  
副本：

院長陳邦豪

法 官 汪智陽 決行

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