

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 2:17-CV-516-JRG

**DECLARATION OF MICHAEL JAYNES IN SUPPORT OF APPLE INC.'S
MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA
UNDER 28 U.S.C. § 1404(a)**

I, Michael Jaynes, declare as follows:

1. I am employed as a Senior Finance Manager at Apple Inc. in Sunnyvale, California and live in Northern California. I have been employed by Apple since January 2015.

2. I make this declaration in support of Apple's Motion to Transfer Venue To The Northern District Of California Under 28 U.S.C. § 1404(a). Unless otherwise indicated below, the statements in this declaration are based on my personal knowledge, my review of corporate records maintained by Apple in the ordinary course of business, and/or my discussions with Apple employees. If called to testify as a witness, I could and would competently do so under oath.

3. Apple is a California corporation and was founded in 1976. Apple is a global business headquartered in Cupertino, California, which is in the Northern District of California.

4. Apple designs and markets personal computers, tablet computers, and mobile communications devices, and designs, develops, and sells a variety of related software and accessories.

5. Apple's management and primary research and development facilities are located in or near Cupertino, including surrounding cities such as Sunnyvale, all located in the Northern District of California. As of October 2017, Apple has approximately 30,000 employees who work in or near its Cupertino headquarters.

6. I understand that AGIS Software Development LLC ("AGIS Software") filed the above-captioned patent infringement lawsuit against Apple in the United States District Court for the Eastern District of Texas. In its First Amended Complaint for Patent Infringement ("Complaint") filed on September 18, 2017, AGIS Software alleges infringement of U.S. Patent

Nos. 9,467,838; 9,445,251; 9,408,055; 8,213,970, and 9,749,829 (collectively, the “patents-in-suit”).

7. Based on the Complaint in this case, I understand that AGIS Software alleges patent infringement based on certain map-based communication features associated with Apple’s software applications such as, but not limited to: Apple Maps, Find My iPhone, Find My Friends, and Messages apps (the “accused features”) in Apple’s iPhones, iPads, iPod Touches, and Apple Watches accused in paragraph 15 of the Complaint and AGIS’s Infringement Contentions (the “accused devices”). (Complaint ¶¶ 15, 19-21, 28-30, 42-44, 56-58, 70-72; Plaintiff’s Disclosure of Asserted Claims and Infringement Contentions, served October 6, 2017, at 2-6.)

8. To the best of my knowledge, Apple’s activities related to the research, design, and development of the accused features occurred in or near Cupertino, California, as explained in further detail below. To the best of my knowledge after a reasonable investigation, and as explained in further detail below, Apple’s employees knowledgeable about the research, design, and development of the accused features work in or around Cupertino.

9. I spoke with Apple employee Raghu Pai. Raghu Pai is the Director of Engineering for iCloud at Apple and works in Sunnyvale, California. Mr. Pai had responsibility over the design and development of the Find My iPhone and Find My Friends applications as well as the map based features of the Messages application accused of infringement. Mr. Pai confirmed that all Apple employees with knowledge about the design and development of the accused features work in or around Sunnyvale. Mr. Pai confirmed that he is not aware of anyone in the state of Texas who assisted or currently assists in the development or design of the accused features.

10. I spoke with Apple employee Rahul Zingde. Rahul Zingde is a Senior Engineering Program Manager for iCloud at Apple and works in Sunnyvale, California. Mr. Zingde has responsibility over the Find My Friends and Find My Phone applications as well as the map based features of the Messages application accused of infringement. Mr. Zingde confirmed that all Apple employees with knowledge about the design, development, and operation of the accused features work in or around Sunnyvale. Mr. Zingde confirmed that he is not aware of anyone in the state of Texas who assisted or currently assists in the development or design of the accused features.

11. I spoke with Apple employee Scott Lopatin. Scott Lopatin is a Software Engineer Manager at Apple and works in Sunnyvale, California. Mr. Lopatin has responsibility over the client side software involved in the Find My iPhone and Find My Friends applications as well as the map based features of the Messages application accused of infringement. Mr. Lopatin confirmed that all Apple employees with knowledge about the design, development, and operation of the accused features work in or around Sunnyvale. Mr. Lopatin confirmed that he is not aware of anyone in the state of Texas who assisted or currently assists in the development or design of the accused features.

12. I spoke with Apple employee Navin Suparna. Navin Suparna is a Software Engineer Manager at Apple and works in Sunnyvale, California. Mr. Suparna has responsibility over the server side software involved in the Find My iPhone and Find My Friends applications as well as the map based features of the Messages application accused of infringement. Mr. Suparna confirmed that all Apple employees with knowledge about the design, development, and operation of the accused features work in or around Sunnyvale. Mr. Suparna confirmed that he

is not aware of anyone in the state of Texas who assisted or currently assists in the development or design of the accused features.

13. I spoke with Apple employee Roberto Garcia. Roberto Garcia is an Engineering Manager at Apple and works in Cupertino, California. Mr. Garcia was involved in the design and development of the map based features of the Messages application accused of infringement. Mr. Garcia confirmed that all Apple employees with knowledge about the design, development, and operation of the map-based features of the Messages application work in or around Cupertino. Mr. Garcia confirmed that he is not aware of anyone in the state of Texas who assisted or currently assists in the development or design of the accused features.

14. Based on my conversations with the individuals identified above, any Apple documents or data generated concerning the accused features reside on local computers and servers located in or around Cupertino, California.

15. I am knowledgeable about the sales and financial information concerning the accused devices. I work in Sunnyvale, California. Sales and financial data for the accused devices generally reside on servers located in or around Cupertino, California.

16. I spoke with Apple employee Evan Krasts. Evan Krasts is a Product Marketing Manager for iCloud at Apple and works in Cupertino, California. Mr. Krasts is involved in the marketing of the accused features. Mr. Krasts confirmed that all of Apple employees with knowledge about the marketing of the accused features work in or around Cupertino. Mr. Krasts confirmed that he is not aware of any employees on Apple's marketing team in the state of Texas who assisted or currently assists in the marketing of the accused features.

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