

**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 Reply In Support of Its 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. I spoke with Apple employee Frank Casanova. Frank Casanova is the Senior Director of Worldwide Partner Marketing and works in Cupertino, California. Mr. Casanova has responsibility for Apple's marketing relationships with cellular carriers. Mr. Casanova explained that any third party cellular carrier marketing of Apple products and services is guided by his team at Apple. Mr. Casanova confirmed that to his knowledge none of AT&T, Sprint, or Verizon has ever marketed any of the software features accused in this case. Mr. Casanova confirmed that to his knowledge no third party cellular carriers were involved in any marketing related to the accused features. Mr. Casanova also confirmed that if any third party carrier were to market any Apple application or software feature, those marketing activities would have been approved by his team at Apple.

4. In my November 8, 2017 declaration, I identified Apple engineers that developed the accused technology. Those Apple engineers are in three specific groups at Apple: iCloud Tools and Services, iCloud Project Management, and iOS Web Applications. I have verified that there is only one Apple employee in those three groups who is located in the state of Texas: David Hyatt. I spoke with Jon Lee, Mr. Hyatt's manager at Apple. Mr. Lee confirmed that Mr. Hyatt is a software developer and that Mr. Hyatt has worked on Apple's WebKit team, which relates to Apple's Internet browser Safari, since he began working at Apple 15 years ago. Mr. Lee confirmed that Mr. Hyatt did not have any involvement in the design or development of any of the software applications or features accused in this case. Although Mr. Lee and the WebKit team are based in Cupertino, California, Mr. Hyatt works remotely from his home in The Woodlands, Texas.

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

Executed on December 27, 2017 in Cupertino, CA.


Michael Jaynes