

DECLARATION OF JAMES RAY WOOD IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS

I, James Ray Wood, declare under penalty of perjury as follows:

1. I am over the age of eighteen years and competent to make this declaration.
2. The facts stated in this Declaration are true and correct to the best of my knowledge and belief.
3. I am employed in the role of Chief Patent Counsel for ZTE (USA) Inc. ("ZTA").
4. ZTA is a New Jersey Corporation.
5. ZTA's principal place of business is located in the Northern District of Texas, at 2425 North Central Expressway, Suite 800, Richardson, Texas.
6. ZTA has no regular and established place of business in the Eastern District of Texas.
7. ZTA has no physical presence, such as a storefront, physical facility, or owned, leased, or rented office space, in the Eastern District of Texas.
8. ZTA has no bank accounts in the Eastern District of Texas.
9. ZTA does not have a registered agent within the Eastern District of Texas.
10. Independent customer service representatives work on ZTA's behalf out of a call center located in the Eastern District of Texas. These independent customer service representatives are not employees of ZTA, they are employees of iQor, an independent company which is a vendor to ZTA. iQor services multiple other customers out of the call center, and ZTA is not the largest customer iQor services out of the call center.
11. ZTA does not own, lease, or rent the office space at the call center. ZTA does not own the equipment, computers, furniture, or office supplies for the call center. ZTA does not store products at the call center.
12. iQor owns, operates, and controls the call center. ZTA employees may visit the call center, but are not stationed there full time.
13. ZTA has no employee salespeople who operate out of their homes within the Eastern District of Texas.
14. ZTA has employee(s) who live in the Eastern District of Texas, and one or more of those employee(s) may work from home. However, ZTA does not own, lease, or otherwise exercise possession or control over the homes of these employees. Furthermore, these employees are free to live wherever they choose, as far as ZTA is concerned. As such, ZTA has not conditioned the employment of any ZTA employee upon continued residence in the Eastern District of Texas.


or upon continued performance of ZTA business from his or her home in the Eastern District of Texas.

15. ZTA does not advertise or represent, internally or externally, that it has a place of business in the Eastern District of Texas, or that the homes of these employees are “places of business” or “offices” of ZTA. ZTA does not store company products in the homes of its employees and customers cannot obtain products from ZTA’s employee home offices.
16. ZTA does not employ a secretarial service within the Eastern District of Texas to assist employees working from their homes in the Eastern District of Texas.
17. ZTA realizes neither significant amount of direct revenue nor significant number of direct sales from customers in the Eastern District of Texas.
18. ZTA does not target the Eastern District of Texas with any non-charitable marketing or promotional efforts. ZTA does engage in generalized marketing and promotional efforts, but they are not targeted at the Eastern District.

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

20 Nov 2017

Date



By: James Ray Wood

Chief Patent Counsel, ZTE (USA) Inc.