Allison Goddard (SBN 211098)
JACZKO GODDARD LLP
4401 Eastgate Mall
San Diego, California 92121
Telephone: (858) 404-9207
Facsimile: (858) 225-3500
Email: agoddard@jaczkogoddard.com

Vincent P. Kovalick (*Pro Hac Vice*)
Edward J. Naidich (*Pro Hac Vice*)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, NW
Washington, DC 20001
Telephone: (202) 408-4000
Facsimile: (202) 408-4400
Email: vince.kovalick@finnegan.com
Email: ed.naidich@finnegan.com

Attorneys for Plaintiff
SPH AMERICA, LLC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SPH AMERICA, LLC, a Virginia company,

Plaintiff,

v.

ACER, INC., *et al.*,

Defendants.

Case No. 3:09-cv-02535-JAH-AJB

DECLARATION OF EDWARD J. NAIDICH IN SUPPORT OF SPH AMERICA, LLC'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FOR LACK OF STANDING UNDER FEDERAL RULE 12(B)(1)

I, Edward J. Naidich, declare:

1. I am an attorney admitted to practice in the Commonwealth of Virginia and the District of Columbia and a partner of the firm Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.. I am admitted pro hac vice before this court to represent SPH America in this action.

2. The matters referred to in this declaration are based on my personal knowledge and if called as a witness I could, and would, testify competently to those matters.

3. Attached as Exhibit 7 is a true and correct copy of relevant pages from the "Case Management Conference Joint Statement Pursuant To Federal Rule of Civil Procedure 26(F)" dated February 19, 2010 that was submitted to Magistrate Judge Battaglia.

4. Attached as Exhibit 8 is a true and correct copy of a letter dated March 16, 2010, from Martha Gooding, counsel for Defendant Motorola, to Lily Lim, counsel for SPH America.

5. Attached as Exhibit 9 is a true and correct copy of a cover letter dated March 25, 2010, accompanying the production of a DVD-ROM containing documents bearing Bates numbers SPH00004963-5082. This production included: (i) the SPH-ETRI Exclusive License translation attached as Exhibit C to Defendants' motion (SPH0004964-4973); (ii) the SPH-ETRI Exclusive License (Korean) attached as Exhibit D to Defendants' motion (produced as SPH0004974-4983); (iii) the amendment translation attached as Exhibit E to Defendants' motion (SPH00004985); (iv) the amendment (Korean) attached as Exhibit F to Defendants' motion (produced as SPH00004986); (v) the amendment translation attached as Exhibit G to Defendants' motion (SPH0004995-4998); (vi) the amendment (Korean) attached as Exhibit H to Defendants' motion (produced as SPH0004999-5000); (vii) the amendment attached as Exhibit I to Defendants' motion (SPH0004987-89); (viii) the amendment (Korean) attached as Exhibit J to Defendants' motion (produced as SPH0004990); (ix) the amendment translation attached as Exhibit O to Defendants' motion (SPH0005002); and (x) the amendment (Korean) attached as Exhibit P to Defendants' motion (produced as SPH0005003).

6. Attached as Exhibit 10 is a true and correct copy of an email dated December 16, 2010, that I sent to counsel for all of the Defendants.

7. Attached as Exhibit 11 is a true and correct copy of relevant pages of U.S. Patent & Trademark Office, Manual of Patent Examining Procedure § 301 (8th ed., 8th rev. 2010), obtained from http://www.uspto.gov/web/offices/pac/mpep/mpep.htm.

8. Exhibit 12 is a true and correct copy of a letter dated June 27, 2006, from ETRI to Brian Kearsey, the Director General of 3G Licensing Limited, the entity administrating the

PlatformWCDMA patent pool. Exhibit 12 is highly confidential and lodged conditionally under seal.

9. Exhibit 13 is a true and correct copy of a facsimile dated June 29, 2006, from ETRI to Brian Kearsey. Exhibit 13 is highly confidential and lodged conditionally under seal.

10. Exhibit 14 is a true and correct copy of a letter dated July 11, 2006, from Brian Kearsay to ETRI. Exhibit 14 is highly confidential and lodged conditionally under seal.

11. Exhibit 15 is a true and correct copy of relevant pages from SPH's Response to Defendant Motorola's Interrogatory No. 1, dated July 22, 2010. Exhibit 15 is highly confidential and lodged conditionally under seal.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on this 24th day of January, 2011, at Washington, DC.

/s/ Edward J. Naidich
Edward J. Naidich

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service were served the 24th of January, 2011, with a copy of this document via the Court's CM/ECF system. I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/ Allison H. Goddard
Attorneys for Plaintiff SPH America, LLC