IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC., NeXT SOFTWARE, INC., f/k/a NeXT COMPUTER, INC.. Plaintiffs, v. HIGH TECH COMPUTER CORP., a/k/a HTC CORP., HTC (B.V.I.) CORP., HTC AMERICA, INC., EXEDEA, INC., Defendants.	Case No. 1:10-CV-00166-RK
APPLE INC., Plaintiff, v. HIGH TECH COMPUTER CORP., a/k/a HTC CORP., HTC (B.V.I.) CORP., HTC AMERICA, INC., EXEDEA, INC., Defendants.	Case No. 1:10-CV-00167-RK

DECLARATION OF JASON MACKENZIE IN SUPPORT OF DEFENDANTS' OPENING BRIEF IN SUPPORT OF MOTION TO TRANSFER VENUE (28 U.S.C. § 1404(a))

I, Jason Mackenzie, declare as follows:

1. I am Vice President of Sales and Marketing with HTC America, Inc. and am responsible for all sales and marketing of HTC products in North America. Unless otherwise stated, I have personal knowledge of the facts set forth in this declaration and if called as a witness, I could testify competently thereto.

2. I joined HTC America in 2005. In my time there, I have served as the Executive Director of National Accounts and a founding member of the HTC America leadership team. In those roles, I was responsible for developing the account-team structure for the American market, channel-sales organization, and relationships with some of North America's top mobile operators. I was promoted to Vice President of Sales and Marketing with HTC America in 2007.

3. As a result of my job duties since 2005, I have become familiar with the general operation of HTC America, HTC Corporation, HTC (BVI) Corporation, and Exedea, Inc. (collectively "HTC"). To the best of my knowledge, none among HTC Corporation, HTC America, HTC (BVI), or Exedea has any personnel, offices, or business operations in Delaware. HTC Corporation is a Taiwanese company with its principal place of business in Taoyuan, Taiwan, ROC. HTC America is incorporated in Texas and has its principal place of business in Bellevue, Washington. HTC (BVI) is a financial holding company that is incorporated and has its principal place of business in the British Virgin Islands. Exedea is incorporated in Texas and has its principal place of business in Texas.

4. As Vice President of Sales and Marketing, I regularly attend executive meetings and receive regular briefings on corporate governance and strategy. As a result, to the best of my knowledge, none among HTC Corporation, HTC America, HTC (BVI), and Exedea has plans as of today to open a facility, retain personnel, or otherwise establish business operations in Delaware.

5. I presently supervise approximately 114 sales-and-marketing personnel. I also work closely with senior marketing-and-sales executives at HTC Corporation in the sales and marketing of HTC's mobile devices, including those products that employ the Android operating

system, the Windows Mobile operating system, and that utilize baseband processors obtained from Qualcomm Inc. (collectively "HTC Mobile Devices"). As a result of these job responsibilities, I am aware that sales-and-marketing documents, including sales literature, forecasts, and market analyses, that pertain to the United States market are maintained primarily in Bellevue, Washington and to a lesser degree in Taiwan. I am also aware, having worked with the company since 2005, that engineering, development, and manufacturing documents that relate to HTC's Mobile Devices and related royalty and partner agreements are maintained primarily in Taiwan and to a lesser degree in Bellevue, Washington. Finally, I am aware that design documents that relate to HTC's Mobile Devices are maintained in San Francisco, California, Seattle and Bellevue, Washington, and Taiwan. To the best of my knowledge, HTC has no corporate repository of any of the above documents in Delaware.

6. Most of the HTC engineers, including those who worked on the hardware and software design, development and integration and those who worked on manufacturability, responsible for and who worked on HTC's Mobile Devices work and live in Taiwan. A comparatively small number of such engineers work in the state of Washington. A relatively small number of engineers also work out of their homes close to customer locations in different parts of America. To the best of my knowledge, no HTC engineers work in Delaware.

7. Repair and customer support for HTC Mobile Devices sold in America is provided primarily through facilities in Houston, Texas and Bellevue, Washington. To the best of my knowledge, HTC has no repair or customer-support facility in Delaware.

8. HTC has a facility in San Francisco. That facility primarily focuses on hardware and usability design for HTC Mobile Devices. To the best of my knowledge, approximately 16 people work at HTC's San Francisco facility. One of those employees in particular is instrumental in HTC's overall product roadmap portfolio design.

9. HTC Americas is headquartered in Bellevue, Washington. HTC's sales, marketing, and product-support activities targeted to the American market are managed from the Bellevue office.

10. HTC has worked with and continues to work with Google, Qualcomm, and

Microsoft in developing, designing, and manufacturing the HTC Mobile Devices. Google is based in Mountain View, California (which is part of the San Francisco Bay Area); Qualcomm is based in San Diego, California; and Microsoft is based in Redmond, Washington.

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Per 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on April 7, 2010 at _____.



By: _____
JASON MACKENZIE

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2010, I caused to be served by **electronic mail and hand delivery** copies of the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I further certify that on April 9, 2010, I caused to be served by **electronic mail** copies of the foregoing document upon the following counsel of record:

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