

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.

C.A. No. 10-544-GMS

**REDACTED -
PUBLIC VERSION**

**DECLARATION OF KAREN L. PASCALE IN SUPPORT OF REPLY BRIEF OF
DEFENDANTS HIGH TECH COMPUTER CORP., a/k/a HTC CORP., HTC (B.V.I.)
CORP., HTC AMERICA, INC., AND EXEDEA, INC. IN SUPPORT OF MOTION TO
TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404**

John W. Shaw (No. 3362) [*jshaw@ycst.com*]
Karen L. Pascale (No. 2903) [*kpascale@ycst.com*]
YOUNG CONAWAY STARGATT & TAYLOR LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600

Robert A. Van Nest
Leo L. Lam
Ashok Ramani
Eugene M. Paige
Ajay S. Krishnan
John Bostic
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, CA 94111
(415) 391-5400

*Attorneys for Defendants High Tech Computer
Corp., a/k/a HTC Corp., HTC (B.V.I.) Corp., HTC
America, Inc., and Exedeia, Inc.*

I, Karen L. Pascale, declare as follows:

1. I am an attorney licensed to practice law in the State of Delaware and am Special Counsel of the law firm of Young Conaway Stargatt & Taylor, LLP, 1000 West Street, 17th Floor, Wilmington, DE 19801, counsel to Defendants in this case. I have personal knowledge of the facts set forth in this declaration and if called as a witness, I could testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of Complainants Apple Inc and NeXT Software Inc.'s Combined Opposition to the Staff's Nokia's and HTC's Motions for Consolidation filed in ITC Inv. Nos 337-TA-704 and 337-TA-710 on April 21, 2010.

3. Attached hereto as Exhibit 2 is a true and correct copy of Apple Inc's Answer, Defenses and Counterclaims from *Nokia Corporation v. Apple Inc.*, C.A. No.10-CV-249 (W.D. Wisc.), filed on June 28, 2010.

4. Attached hereto as Exhibit 3 is a true and correct copy of Apple Inc.'s Memorandum In Support of Motion to Transfer Venue to the District of Delaware Pursuant to 28 U.S.C. § 1404(a) from *Nokia Corporation v. Apple Inc.*, C.A. No.10-CV-249 (W.D. Wisc.), filed on June 29, 2010.

5. Attached hereto as Exhibit 4 is a true and correct copy of relevant excerpts of the deposition testimony of Brian Ong, from *Apple Inc. and NeXT Software Inc. v. HTC Corp. and Exedeia, Inc.*, C.A. No. 10-166-RK and 10-167-RK (D. Del.), taken on May 4, 2010.

6. Attached hereto as Exhibit 5 is a true and correct copy of relevant excerpts of the deposition testimony of Andrew Rubin, from *Apple Inc. and NeXT Software Inc. v. HTC Corp. and Exedeia, Inc.*, C.A. No. 10-166-RK and 10-167-RK (D. Del.), taken on May 11, 2010.

7. Attached hereto as Exhibit 6 is a true and correct copy of Apple Inc.'s Reply Memorandum In Support of Motion to Transfer Venue to the District of Delaware Pursuant to 28 U.S.C. § 1404(a) from *Nokia Corporation v. Apple Inc.*, C.A. No.10-CV-249 (W.D. Wisc.), filed on July 30, 2010.

8. Attached hereto as Exhibit 7 is a true and correct copy of Defendants HTC Corp.

and Exedea, Inc.'s Reply Brief In Support of Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404 from *Apple Inc. and NeXT Software Inc. v. HTC Corp. and Exedea, Inc.*, C.A. No. 10-166-RK and 10-167-RK (D. Del.), filed on June 9, 2010.

9. Attached hereto as Exhibit 8 is a true and correct copy of Order No. 5: Granting the Commission Investigative Staff's Motion for Partial Consolidation of Investigation Nos. 337-TA-704 and 337-TA-710 and Denying Nokia's Motion for Full Consolidation, filed in ITC Inv. No. 337-TA-704 on April 26, 2010.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 12, 2010.

By: /s/ Karen L. Pascale
Karen L. Pascale

CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on August 27, 2010, I caused to be electronically filed a copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following counsel of record:

Richard K. Herrmann [rherrmann@morrisjames.com]
Mary B. Matterer [mmatterer@morrisjames.com]
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801

I further certify that on August 27, 2010, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

By E-Mail

Robert G. Krupka [bob.krupka@kirkland.com]
KIRKLAND & ELLIS LLP
333 Hope Street
Los Angeles, CA 90071

Gregory S. Arovas [greg.arovas@kirkland.com]
Steven Cherny [steven.cherny@kirkland.com]
Robert A. Appleby [robert.appleby@kirkland.com]
Melanie R. Rupert [melanie.rupert@kirkland.com]
James E. Marina [james.marina@kirkland.com]
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022

Kenneth H. Bridges [kbridges@WongCabello.com]
Michael T. Pieja [mpieja@WongCabello.com]
Brian C. Kwok [bkwok@WongCabello.com]
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI LLP
540 Cowper Street, Suite 100
Palo Alto, CA 94301

Mark D. Fowler [mark.fowler@dlapiper.com]
M. Elizabeth Day [elizabeth.day@dlapiper.com]
David L. Alberti [david.alberti@dlapiper.com]
Yakov Zolotorev [yakov.zolotorev@dlapiper.com]
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303

Clayton Thompson [clayton.thompson@dlapiper.com]
DLA PIPER LLP (US)
1775 Wiehle, Suite 400
Reston, VA 20190-5159

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Karen L. Pascale

John W. Shaw (#3362) [jshaw@ycst.com]
Karen L. Pascale (#2903) [kpascale@ycst.com]
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801
(302) 571-6600

Attorneys for Defendants High Tech Computer Corp., a/k/a HTC Corp.; HTC (B.V.I.) Corp.; HTC America, Inc.; and Exedea, Inc.