

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

**PLAINTIFF MAXELL, LTD.’S
PATENT RULE 3-1 AND 3-2 DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS AGAINST DEFENDANT APPLE INC.**

Pursuant to Patent Rules (“P.R.”) 3-1 and 3-2, Plaintiff Maxell, Ltd. (“Maxell”) hereby serves its Disclosure of Asserted Claims and Infringement Contentions and accompanying disclosure against Defendant Apple Inc. (“Defendant” or “Apple”).

These contentions are based on information reasonably available to Maxell at this time. Maxell’s investigation of the facts relevant to this case is ongoing, discovery has not yet begun, and the Court has not yet construed the claims. Further, important information about many or all of Apple’s products is not publicly available, including information relevant to the patents-in-suit and these Infringement Contentions. Accordingly, Maxell reserves the right to modify and/or supplement these disclosures as information becomes available, based on the Court’s claim constructions, and/or based on positions taken by Apple.

A. P.R. 3-1(a): Identification of Asserted Claims

Pursuant to P.R. 3-1(a) and based on the information presently available, Maxell incorporates herein by reference the identification of asserted claims set forth in its Complaint (*see* Dkt. No. 1) and in the attached Appendices 1-10. Maxell further discloses the following claims of each patent-in-suit that it contends are infringed (directly and/or indirectly, literally and/or under the doctrine of equivalents) by Apple, through its manufacture, use, sale, offer for sale, and/or importation into the United States of the Accused Instrumentalities:

- U.S. Patent 6,748,317 (“the ’317 Patent”): claims 1-3, 5-15, 17, and 18;
- U.S. Patent 6,580,999 (“the ’999 Patent”): claims 1-6;
- U.S. Patent 8,339,493 (“the ’493 Patent”): claims 1, 3-6, 10, and 11;
- U.S. Patent 7,116,438 (“the ’438 Patent”): claims 1-7;
- U.S. Patent 6,408,193 (“the ’193 Patent”): claims 1, 6, and 7;
- U.S. Patent 10,084,991 (“the ’991 Patent”): claims 1-5 and 8-12;
- U.S. Patent 6,928,306 (“the ’306 Patent”): claims 2, 5, 6, and 12-15;
- U.S. Patent 6,329,794 (“the ’794 Patent”): claims 1-3 and 5-14;
- U.S. Patent 10,212,586 (“the ’586 Patent”): claims 1-2, 6-7, 9-10, 13-14, and 16-18; and
- U.S. Patent 6,430,498 (“the ’498 Patent”): claims 1, 3-5, 7-11, and 13.

Maxell expressly reserves the right to modify, amend and/or supplement the foregoing in light of new information made available to Maxell, based on the Court’s claim construction, or based on positions taken by Apple.

B. P.R. 3-1(b): Identification of Accused Instrumentalities

Pursuant to P.R. 3-1(b) and based on the information presently available, Maxell incorporates herein by reference the identification of Accused Instrumentalities set forth in the

Complaint (*see* Dkt. No. 1) and in the attached Appendices 1-10. Maxell further identifies the following Accused Instrumentalities¹ of which it is currently aware:

- As to claims 1-3, 5-15, 17, and 18 of the '317 Patent, the accused products include Apple iPhones (*e.g.*, iPhone 5S (A1453/A1533), iPhone 5C (A1456/A1532), iPhone 6 (A1549/A1586), iPhone 6 Plus (A1522/A1524), iPhone 6S (A1633/A1688), iPhone 6S Plus (A1634/A1687), iPhone SE (A1723/A1662), iPhone 7 (A1660/A1778), iPhone 7 Plus (A1661/A1784), iPhone 8 (A1863/A1905), iPhone 8 Plus (A1864/A1897), iPhone X (A1865/A1901), iPhone XS (A1920), iPhone XS Max (A1921), and iPhone XR (A1984)); Apple iPads (*e.g.*, iPad Air (A1475), iPad mini 2 (A1490), iPad Air 2 (A1567), iPad Air 3 (A2123/A2153), iPad mini 3 (A1600), iPad mini 4 (A1550), iPad mini 5 (A2124/A2126), iPad Pro (A1709), iPad Pro (A1652), iPad Pro (A1674/ A1675), iPad Pro (A2013), iPad 5th generation (A1823), iPad 6th generation (A1954), iPad Pro (2nd generation) (A1671), and iPad Pro (3rd generation) (A2014/A1859)); Apple Watch Series 4 (A1975/A1976/A1977/A1978), Series 3 (A1860/A1861/A1858/A1859), and Series 2 (A1757/A1758/A1816/A1817); and any yet to be released products or additional product that includes “Maps” application with the “Walk” option and “Find My Friends” application as identified in Appendix 1 (collectively, “the Accused Apple '317 Products”).
- As to claims 1-6 of the '999 Patent, the accused products include Apple iPhones (*e.g.*, iPhone 5S (A1453/A1533), iPhone 5C (A1456/A1532), iPhone 6 (A1549/A1586), iPhone 6 Plus (A1522/A1524), iPhone 6S (A1633/A1688), iPhone 6S Plus (A1634/A1687), iPhone SE (A1723/A1662), iPhone 7 (A1660/A1778), iPhone 7 Plus (A1661/A1784), iPhone 8 (A1863/A1905), iPhone 8 Plus (A1864/A1897), iPhone X (A1865/A1901), iPhone XS (A1920), iPhone XS Max (A1921), and iPhone XR (A1984)); Apple iPads (*e.g.*, iPad Air (A1475), iPad mini 2 (A1490), iPad Air 2 (A1567), iPad Air 3 (A2123/A2153), iPad mini 3 (A1600), iPad mini 4 (A1550), iPad mini 5 (A2124/A2126), iPad Pro (A1709), iPad Pro (A1652), iPad Pro (A1674/ A1675), iPad Pro (A2013), iPad 5th generation (A1823), iPad 6th generation (A1954), iPad Pro (2nd generation) (A1671), and iPad Pro (3rd generation) (A2014/A1859)); Apple Watch Series 4 (A1975/A1976/A1977/A1978), Series 3 (A1860/A1861/A1858/A1859), and Series 2 (A1757/A1758/A1816/A1817); and any yet to be released products or additional product that includes “Maps” application with the “Walk” option and “Find My Friends” application as identified in Appendix 2 (collectively, “the Accused Apple '999 Products”).

¹ Maxell has included the product name followed by (if known) the corresponding model number in parenthesis. The model numbers included in these disclosures are based on Maxell’s information and belief, based on publicly available information, and are subject to change based on discovery in this case.

- As to claims 1, 3-6, 10, and 11 of the '493 Patent, the accused products include Apple iPhones (*e.g.*, iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone X (A1865/A1901), iPhone 8 Plus (A1864/A1897), iPhone 8 (A1863/A1905), iPhone 7 Plus (A1661/A1784), iPhone 7 (A1660/A1778), iPhone 6s Plus (A1634/A1687), iPhone 6s (A1633/A1688), iPhone 6 Plus (A1522/A1524), iPhone 6 (A1549/A1586), iPhone SE (A1723/A1662), iPhone 5S (A1453/A1533), and iPhone 5C (A1456/A1532)); Apple iPads (*e.g.*, iPad Pro (A1673/A1674/A1675)); and any yet to be released product or additional product that includes similar camera modules and screen pixels as identified in Appendix 3 (collectively, “the Accused Apple ’493 Products”).
- As to claims 1 and 4-7 of the ’438 Patent, the accused products include Apple iPhones (*e.g.*, iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone X (A1865/A1901), iPhone 8 Plus (A1864/A1897), iPhone 8 (A1863/A1905), iPhone 7 Plus (A1661/A1784), iPhone 7 (A1660/A1778), iPhone 6s Plus (A1634/A1687), iPhone 6s (A1633/A1688), iPhone 5S (A1453/A1533), iPhone 5C (A1456/A1532)), and iPhone SE (A1723/A1662)); iPad Air (A1474/A1475); Apple iPads (*e.g.*, iPad Mini 2 (A1489/A1490), iPad Air 2 (A1566/A1567), iPad Air 3 (A2152/A2153/A2123), iPad Mini 3 (A1599/A1600), iPad Mini 4 (A1538/A1550), iPad Mini 5 (A2124/A2126/A2133), iPad Pro (A1701/A1709), iPad Pro (A1584/A1652), iPad Pro (A1673/A1674/ A1675), iPad Pro (A1980/A2013), iPad 5th generation (A1822/A1823), iPad 6th generation (A1893/A1954), iPad Pro (2nd generation) (A1670/A1671), and iPad Pro (3rd generation) (A1876/A2014/A1859); iPod Touch 5th Generation (A1509/A1421) iPod Touch 6th Generation (A15740), and iPod Touch 7th Generation (A2178); MacBook Pros (10,1; 10,2; 11,1; 11,2; 11,3; 11,4; 11,5; 12,1; 13,1; 13,2; 13,3; 14,1; 14,2; 15,1; 15,2); MacBook Air (6,1; 6,2; 7,1; 7,2; 8,1); Mac Mini (6,1; 6,2; 7,1; 8,1); iMac (14,1; 14,2; 14,4; 15,1; 16,1; 16,2; 17,1; 18,1; 18,2; 18,3; 19,1; 19,2; iMac Pro (1,1); and any yet to be released product or additional product that includes similar AirDrop functionality as identified in Appendix 4A (collectively, “the Accused Apple ’438 AirDrop Products”).
- As to claims 4-7 of the ’438 Patent, the accused products include Apple Watch Series 4 (A1975/A1976/A1977/A1978); Series 3 (A1860/A1861/A1858/A1859); Series 2 (A1757/A1758/A1816/A1817); Series 1 (A1802/A1803); 1st Generation (A1553/A1554); and any yet to be released product or additional product that includes similar functionality of pairing over Bluetooth and communicating over WiFi or cellular with one or more Apple iPhones after the pairing as identified in Appendix 4B (collectively, “the Accused Apple ’438 Watch Products”).
- As to claims 1-3 of the ’438 Patent, the accused products include Apple iPhones (*e.g.*, Apple iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone X (A1865/A1901), iPhone 8 Plus (A1864/A1897),

- iPhone 8 (A1863/A1905), iPhone 7 Plus (A1661/A1784), iPhone 7 (A1660/A1778), iPhone 6s Plus (A1634/A1687), iPhone 6s (A1633/A1688), iPhone 5S (A1453/A1533), iPhone 5C (A1456/A1532)), and iPhone SE (A1723/A1662)), and any yet to be released product or additional product that includes similar functionality of pairing over Bluetooth and communicating over WiFi or cellular with one or more Apple Watches after the pairing as identified in Appendix 4C (collectively, “the Accused Apple ’438 Pairable Products”).
- As to claims 1, 6, and 7 of the ’193 Patent, the accused products include Apple iPhones (*e.g.*, iPhone 5S (A1453/A1533), iPhone 5C (A1456/A1532), iPhone 6 (A1549/A1586), iPhone 6 Plus (A1522/A1524), iPhone 6S (A1633/A1688), iPhone 6S Plus (A1634/A1687), iPhone SE (A1723/A1662), iPhone 7 (A1660/A1778), iPhone 7 Plus (A1661/A1784), iPhone 8 (A1863/A1905), iPhone 8 Plus (A1864/A1897), iPhone X (A1865/A1901), iPhone XS (A1920), iPhone XS Max (A1921), and iPhone XR (A1984)); Apple iPads (*e.g.*, iPad Air (A1475), iPad mini 2 (A1490), iPad Air 2 (A1567), iPad Air 3 (A2123/A2153), iPad mini 3 (A1600), iPad mini 4 (A1550), iPad mini 5 (A2124/A2126), iPad Pro (A1709), iPad Pro (A1652), iPad Pro (A1674/A1675), iPad Pro (A2013), iPad 5th generation (A1823), iPad 6th generation (A1954), iPad Pro (2nd generation) (A1671), and iPad Pro (3rd generation) (A2014/A1859)); and any yet to be released product or additional product that includes similar components to control a gain and bias of one or more amplifiers as identified in Appendix 5 (collectively, “the Accused Apple ’193 Products”).
 - As to claims 1-5 and 8-12 of the ’991 Patent, the accused products include Apple iPhones (*e.g.*, iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone X (A1865/A1901), iPhone 8 Plus (A1864/A1897), iPhone 8 (A1863/A1905), iPhone 7 Plus (A1661/A1784), iPhone 7 (A1660/A1778), iPhone 6s Plus (A1634/A1687), iPhone 6s (A1633/A1688), iPhone SE (A1723/A1662)); Apple iPads (*e.g.*, iPad mini 4 (A1538/A1550), iPad Pro (A1701/A1709), iPad Pro (A1980/A2013), iPad (5th generation) (A1822/A1823), iPad (6th generation) (A1893/A1954), iPad Pro (2nd generation) (A1670/A1671), iPad Pro (3rd generation) (A1876/A2014/A1895), iPad Air 3 (A2152/A2123/A2153), iPad mini 5 (A2133/A2124/A2126)); iPod Touch (*e.g.*, 6th generation (A1574) and 7th generation (A2178)); MacBook products with FaceTime functionality (*e.g.*, MacBook (10,1), MacBook Air (7,2; 8,1), and MacBook Pro (14,1; 14,2; 14,3; 15,1; 15,2)); and any yet to be released product or additional product that includes similar FaceTime and video reproduction functionality as identified in Appendix 6 (collectively, “the Accused Apple ’991 Products”).
 - As to claims 2, 5, 6, and 12-15 of the ’306 Patent, the accused products include Apple iPhones (*e.g.*, iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone X (A1865/A1901), iPhone 8 Plus (A1864/A1897), iPhone 8 (A1863/A1905), iPhone 7 Plus (A1661/A1784),

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