

Exhibit 31

MAYER • BROWN

Mayer Brown LLP
1999 K Street, N.W.
Washington, D.C. 20006-1101

Main Tel +1 202 263 3000
Main Fax +1 202 263 3300
www.mayerbrown.com

Jamie B. Beaber
Direct Tel +1 202 263 3153
Direct Fax +1 202 263 5209
jbeaber@mayerbrown.com

January 11, 2018

BY ELECTRONIC DELIVERY

Steven A. Moore
Pillsbury Winthrop Shaw Pittman LLP
501 West Broadway, Suite 1100
San Diego, CA 92101-3575
steve.moore@pillsburylaw.com

Re: *Maxell, Ltd. v. ZTE Corporation et al.*, Case No. 5:16-cv-00178-RWS (E.D. Tex.) (lead case)

Dear Steve:

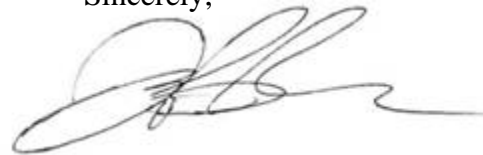
We want to raise an issue stemming from ZTE's opening expert reports on the issue of invalidity. Specifically, ZTE has relied on a number of references in its opening reports that were not identified as prior art in ZTE's invalidity contentions. An identification of such references is as follows:

- **Mr. Andrews Expert Report Regarding Invalidity of U.S. Patent No. 6,748,317:** Mr. Andrews has newly relied on U.S. Patent Nos. 5,543,789 and 5,781,150. The '789 patent was not previously identified as prior art for the '317 patent. The '150 patent had been previously disclosed, but only as a secondary reference. ZTE's current reliance on this patent represents a departure from the theories and positions set forth in its invalidity contentions.
- **Dr. Ding Expert Report Regarding Invalidity of U.S. Patent No. 6,408,193:** Dr. Ding has newly relied on U.S. Patent No. 5,107,225. This patent was not previously identified as prior art for the '193 patent.
- **Dr. Mayer-Patel Expert Report Regarding Invalidity of U.S. Patent Nos. 8,098,695 and 6,816,491:** Dr. Mayer-Patel has newly relied on U.S. Patent No. 5,765,136 and Japanese Patent Application Publication No. Hei 6-295195. This patent and publication were not previously identified as prior art for the '491 or '695 patents.
- **Dr. Wolfe Expert Report Regarding Invalidity of U.S. Patent Nos. 5,396,443 and 6,329,794:** Dr. Wolfe has newly relied on U.S. Patent Nos. 5,560,022 and 6,360,327. These patents were not previously identified as prior art for the '794 patent.

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In view of the foregoing, we request that ZTE confirm no later than January 12 that it will not be relying on any of the foregoing patents or publications as prior art to the respective patents listed above. If ZTE will not provide such confirmation, Maxell intends to move to strike the reference and requests ZTE's availability, on January 11 or 12, for a meet and confer under Local Rule CV-7(h) to discuss such motion. Maxell further provides notice that it will seek fees and costs associated with any such motion to strike and with respect to any work performed in connection with preparing a response regarding these references, including in its rebuttal expert reports.

Sincerely,



Jamie B. Beaber

cc: Counsel of Record