

Exhibit 35

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

Maxell, Ltd.,)	
)	Civil Action No. 5:16-cv-00178-RWS
Plaintiff,)	(Lead Case)
)	
vs.)	
)	
Huawei Device USA Inc., et al,)	
)	
Defendant.)	
)	

**DECLARATION BY STEVEN A. MOORE PH.D. IN SUPPORT OF ZTE’S NOTICE
OF POSITION REGARDING TRIAL ORDER**

I have personal knowledge of the following facts, and if called upon to testify, I could and would competently do so:

1. My name is Steven A. Moore, Ph.D., and I am outside counsel to Defendant ZTE (USA) Inc. (“ZTE”).
2. I read the “Joint Status Update on Maxell’s Emergency Motion for Continuance and Motion for Entry of Amended Docket Control Order” at Docket 363 in Case No. 5:15-v-178-RWS, filed this afternoon.
3. I was surprised and alarmed by the following passage in the section of the document entitled “Maxell’s Position”:

Alternatively, Maxell would request that the Court set the ZTE matter (Case No. 5:16-cv-00179-RW) for trial on June 18, with the instant Huawei case to take place as soon thereafter as possible. Although Maxell has reached out to ZTE’s counsel regarding this request, ZTE’s counsel has not responded.

4. I was surprised by this passage because on multiple occasions I have expressed to Jamie Beaber, outside counsel for Maxell, that ZTE is not interested in changing the order of trial schedule.

5. My most recent conversation on this topic with Mr. Beaber was on May 10, 2018, in Texarkana. Our conversation was in person, and it took place during a morning break from the hearing on dispositive motions in the above-captioned case. I repeated ZTE's consistent position during this conversation, and again informed him that ZTE is not interested in changing order of trial schedule in this case.

6. ZTE continues to object to any change in the order of trials. Maxell's case against Huawei is the lower-numbered case, and ZTE maintains that the trial against Huawei should go before the trial against ZTE, as is currently scheduled.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 23, 2018

/s/ Steven A. Moore
Steven A. Moore, Ph.D.