

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

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

No. 5:19-cv-0036-RWS

**APPLE INC.’S ANSWER AND AFFIRMATIVE DEFENSES TO MAXELL, LTD.’S  
FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Apple Inc. (“Apple”), by and through the undersigned attorneys, responds to the First Amended Complaint filed on October 23, 2019 (“FAC”) by Plaintiff Maxell, Ltd. (“Plaintiff”) as follows:

**OVERVIEW**

1. Amended Complaint: This is an action for patent infringement by Maxell. Founded in 1961 as Maxell Electric Industrial Co., Ltd., Maxell is a leading global manufacturer of information storage media products, including magnetic tapes, optical discs, and battery products such as lithium ion rechargeable micro batteries and alkaline dry batteries, and the company has over 50 years of experience producing industry-leading recordable media and energy products for both the consumer and the professional markets. Maxell is also a leading manufacturer of projectors and lenses and additionally sells various other devices, such as Bluetooth headsets, wireless charging solutions, etc.

**Apple's Response: Apple admits that Plaintiff's FAC purports to state an action for alleged patent infringement. Apple is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1 and on that basis denies them.**

2. Amended Complaint: Maxell has built up an international reputation for excellence and reliability, for pioneering the power supplies and digital recording for today's mobile and multi-media devices, and leading the electronics industry in the fields of storage media and batteries.

**Apple's Response: Apple is without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 2 and on that basis denies them.**

3. Amended Complaint: Since being one of the first companies to develop alkaline batteries and Blu Ray camcorder discs, Maxell has always assured its customers of industry leading product innovation and is one of the world's foremost suppliers of memory, power, audio, and visual goods.

**Apple's Response: Apple is without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 3 and on that basis denies them.**

4. Amended Complaint: As more fully described below, in 2009 Hitachi, Ltd. assigned much of its intellectual property to Hitachi Consumer Electronics Co., Ltd., along with a significant portion of its Consumer Business Group, including manufacturing and research and development capabilities. Then, in 2013, Hitachi Consumer Electronics Co., Ltd. assigned the intellectual property, including many of the patents in this case, along with the related manufacturing and research and development capabilities, to Hitachi Maxell, Ltd., which later assigned the assets to Maxell as a result of a reorganization and name change. This was an effort to align the intellectual property with the licensing, business development, research and

development, and manufacturing efforts of Maxell, including in the mobile and mobile-media device market. Maxell continues to sell products in the mobile device market including wireless charging solutions, wireless flash drives, multimedia players, storage devices, and headphones. Maxell also maintains intellectual property related to televisions, computer products, tablets, digital cameras, and mobile phones. As a mobile technology developer and industry leader, and due to its historical and continuous investment in research and development, including in this District, Maxell owns a portfolio of patents related to such technologies and actively enforces its patents through licensing and/or litigation. Maxell is forced to bring this action against Apple as a result of Apple's knowing and ongoing infringement of Maxell's patents as further described herein.

**Apple's Response: Apple specifically denies that it has infringed or is infringing, directly, indirectly, or willfully, any valid claim of any asserted patent. Apple is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 4 and on that basis denies them.**

5. Amended Complaint: Since at least June 2013, Apple has been aware of Maxell's patents and has had numerous meetings and interactions regarding its infringement of these patents. These meetings included Apple's representatives being provided with detailed information regarding Maxell's patents, the developed technology, and Apple's ongoing use of this patented technology. Through this process, Apple's representatives requested and received detailed explanations regarding Maxell's patents and allegations. Maxell believed that the parties could reach a mutually beneficial solution and to that end considered a potential business transaction and continued to answer multiple inquiries from Apple over the course of several years, including communicating with Apple as recently as late 2018. Apple elected, however,

not to enter into an agreement and did not license Maxell's patents. Instead, Apple continued, and continues today, to make, use, sell and offer for sale Maxell's patented technology without license.

**Apple's Response: Apple representatives had meetings and communicated with Hitachi and/or Maxell representatives at various times from 2011 to May 2015, including specifically in June 2013, and again in 2018, regarding various patents allegedly owned during that timeframe by Hitachi and/or Maxell. Apple has not entered into an express license agreement with Hitachi or its successors in interest, including Maxell, under any of the asserted patents. Apple specifically denies that it has infringed or is infringing, directly, indirectly, or willfully, any valid claim of any asserted patent, and specifically denies that it is not licensed to practice the asserted patents. Except as expressly admitted, Apple denies all remaining allegations in Paragraph 5.**

6. Amended Complaint: Since 2014, Maxell has had regular and continuous business in the Eastern District of Texas. As a result of such business dealings and hopes to expand those and other business dealings, a Maxell affiliate, Maxell Research and Development America, LLC ("MRDA"), was founded in Marshall, Texas. Maxell and MRDA have and continue to regularly meet and work to expand the research and development activities, business, and investments being made by Maxell, MRDA, and their business partners in this District to further the goals of these companies.

**Apple's Response: Apple is without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 6 and on that basis denies them.**

## PARTIES

7. Amended Complaint: Plaintiff Maxell, Ltd. is a Japanese corporation with a registered place of business at 1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-gun, Kyoto, Japan.

**Apple's Response: Apple is without information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 7 and on that basis denies them.**

8. Amended Complaint: On information and belief, Defendant Apple Inc. is a California corporation having a principal place of business located at One Apple Park Way, Cupertino, California 95014. As of the filing of the original Complaint, Apple had regular and established places of business at 2601 Preston Road, Frisco, Texas, and 6121 West Park Boulevard, Plano, Texas, as well as other locations in Texas. Apple offers and sells its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas. Apple may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

**Apple's Response: Apple admits that it is a corporation organized and existing under the laws of the State of California and has its principal place of business at One Apple Park Way, Cupertino California 95014. Apple admits that it previously operated two retail stores located in Frisco and Plano, Texas, both of which were closed in April 2019. Apple also admits that it has offices and retail stores in other locations in Texas that are outside the Eastern District of Texas. Apple admits that it sells its products and services throughout the United States, including in this District. Apple admits that it may be served with process through its registered**

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.