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

MAXELL, LTD.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Civil Action No. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

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**DECLARATION OF LUANN SIMMONS IN SUPPORT OF
DEFENDANT APPLE INC.'S MOTION TO COMPEL INFRINGEMENT
CONTENTIONS**

I, Luann L. Simmons, hereby declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, counsel for Apple, Inc. ("Apple") in this matter filed by Maxell, Ltd. ("Maxell"). I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. Attached as **Exhibit A** are excerpts of a true and correct copy of Plaintiff Maxell, Ltd.'s Patent Rule 3-1 and 3-2 Disclosure of Asserted Claims and Infringement Contentions Against Defendant Apple Inc. and Appendixes, served June 12, 2019.

3. Attached as **Exhibit B** are excerpts of a true and correct copy of Plaintiff Maxell, Ltd.'s First Supplemental Patent Rule 3-1 and 3-2 Disclosure of Asserted Claims and Infringement Contentions Against Defendant Apple Inc., Appendix 3 (U.S. Patent No. 8,339,493), served October 15, 2019.

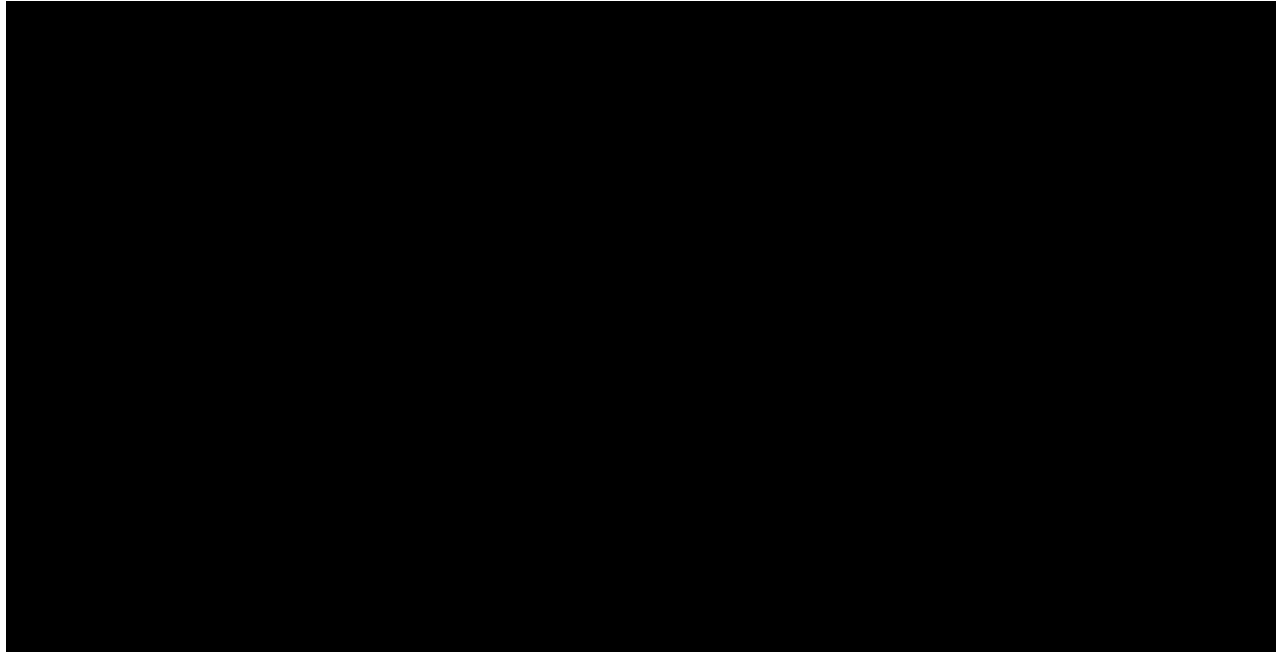
4. Attached as **Exhibit C** are excerpts of a true and correct copy of Plaintiff Maxell, Ltd.'s First Supplemental Patent Rule 3-1 and 3-2 Disclosure of Asserted Claims and Infringement

[REDACTED]

[REDACTED]

Contentions Against Defendant Apple Inc., Appendix 6 (U.S. Patent No.10,084,991), served October 15, 2019.

5. Excerpts of J. Beaber Letter titled “*Maxell, Ltd. v. Apple Inc.*, Case No. 5:19-cv-00036-RWS (E.D. Tex.),” dated September 24, 2019:



6. Apple requested that Maxell correct its Supplemental Infringement Contentions by letter dated October 18, 2019. Maxell refused by letter dated October 28, 2019. The parties met and conferred on November 4, 2019.

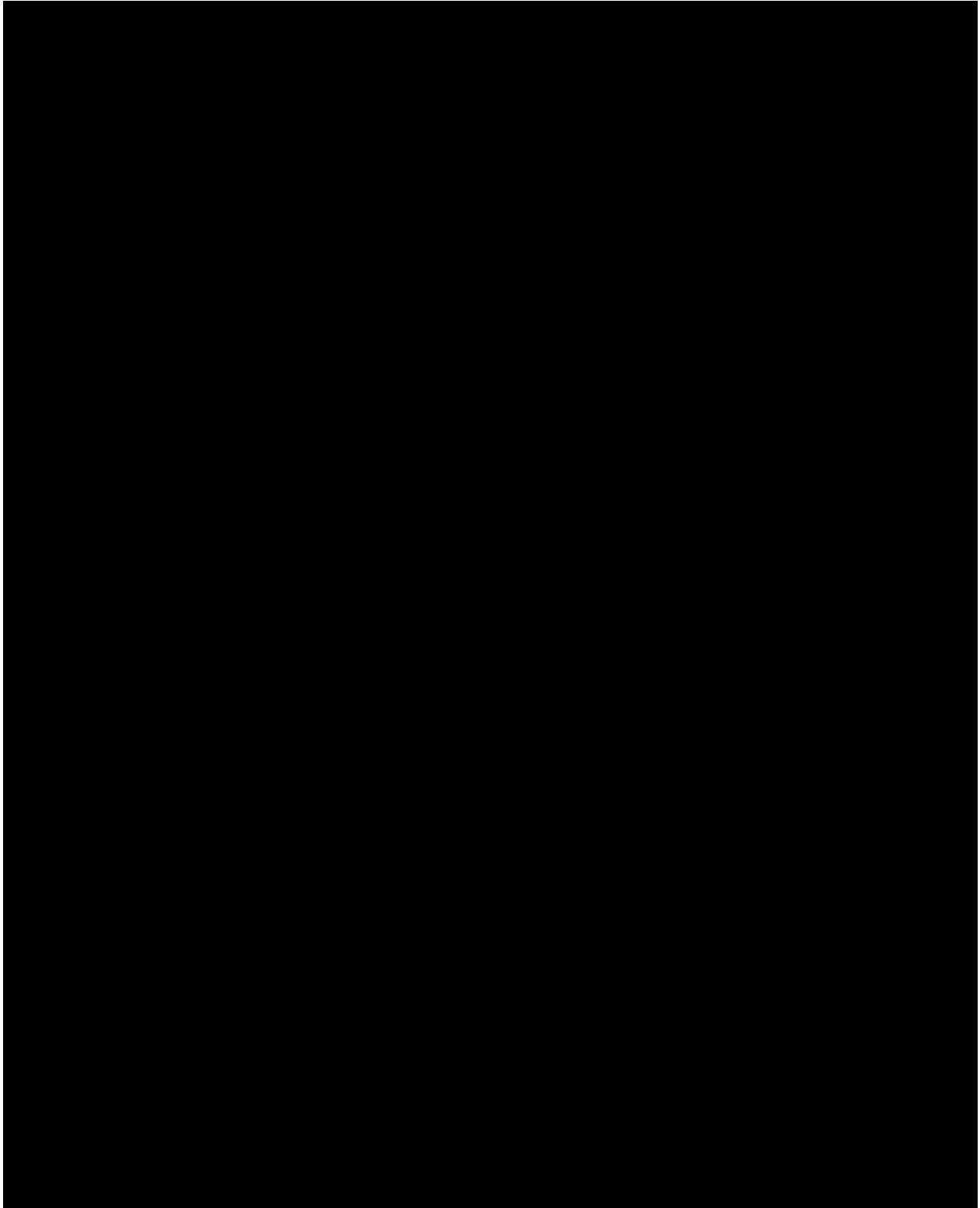
I declare under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on this 12th day of November, 2019.

/s/ Luann L. Simmons
Luann L. Simmons



Appendix A

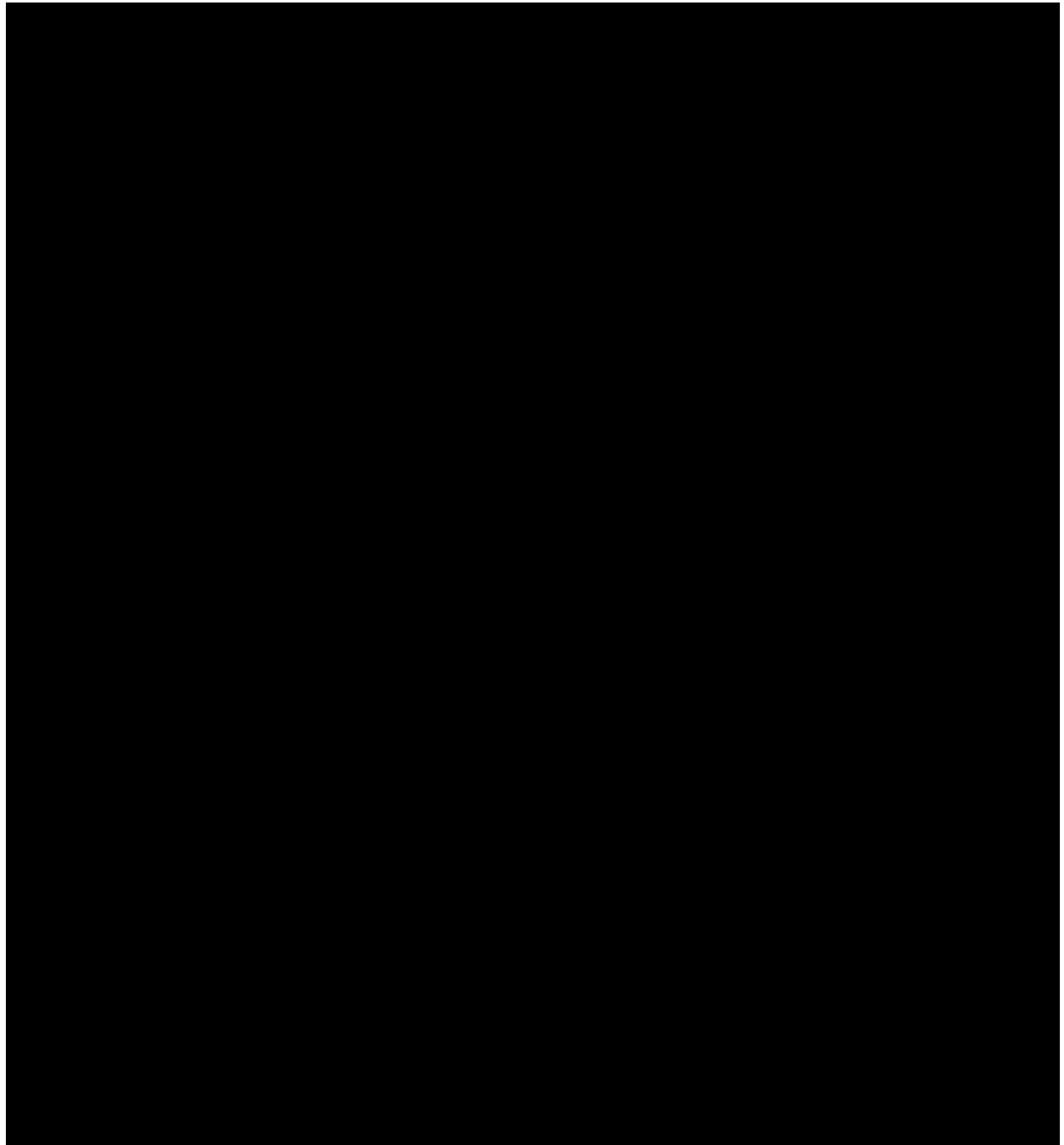
Excerpts of Maxell's Original P.R. 3-1 and 3-2 Infringement Contentions:





Appendix B

Excerpts of Maxell's Supplemental Infringement Contentions, Appendix 3:





Appendix C

Excerpts of Maxell's Supplemental Infringement Contentions, Appendix 6:

