

# EXHIBIT 2

**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

**DECLARATION OF DR. DANIEL A. MENASCE IN SUPPORT OF  
APPLE INC.'S PROPOSED CLAIM CONSTRUCTIONS**

capacity of a fuel reservoir measured in gallons, and the capacity of a power station in an electrical grid measured in Mega Watts. The mechanisms to detect and measure the capacity of the systems mentioned above are significantly different.

63. And even if the “capacity detector” is limited to those devices that perform the function of “detecting a remaining battery capacity of [a] battery,” this does not sufficiently describe a structure for such devices. This is because there can be many different classes of structures that could perform the function of “detecting a remaining capacity of [a] battery.” For example, this function could be performed by a software that implements an algorithm that determines the remaining capacity of a battery. This function could be performed by a specialized hardware component specifically built for the purposes of determining the remaining capacity of a battery. This function could be performed by an analog circuit designed to output a signal that corresponds to the remaining capacity of a battery. This function could also be performed by a digital circuit that turns on or off based on the remaining capacity of a battery. This function could be performed by any combination of the hardware or software devices that are listed above. Therefore, a person of ordinary skill in the art around the filing of the ’794 patent would not have known what structure is intended for a “capacity detector” recited in the ’794 patent, claims 1 and 9.

64. In my opinion, the specification also only describes the “capacity detector” in terms of its function. The specification links only one structure to the function recited in Claims 1 or 9 that is performed by the “capacity detector.” The claimed function, i.e., “detecting [a] remaining capacity of [a] battery” is performed by “capacity detector 107.” I list the exemplary disclosure of the “capacity detector” in the ’794 patent specification below:

- “In the present invention, a power supply circuitry includes a capacity detector detecting a remaining capacity of a battery....” (’794 patent at 1:55-57.)

78. I agree with Apple's proposed construction because it reflects the understanding a person of ordinary skill in the art would have had of the patent specification as of the priority date of the '438 patent - May 22, 2003.

79. The term "input unit" is not a term of art used in the field relevant to the '438 patent. There is no commonly understood structure for an "input unit." This is because many different classes of structure can act as an "input unit." For example, "input unit" could refer to a wide variety of structures implemented by many possible hardware/software alternatives (e.g., mouse, keyboard, touch screen, touch-pen, voice-activated inputs). Some of these input mechanisms are more appropriate for some applications as compared to others. For example, touch-pen is more appropriate for inputting hand-written text, drawings, and voice-activated inputs may be more appropriate for people with some types of disabilities. Therefore, a person of ordinary skill in the art around the filing of the '438 patent would not have known what structure is intended for an "input unit for receiving an input entered by a user."

80. The claim term itself identifies that the function of the "input unit" is to "receive...input entered by a user." However, because the term "input unit," as used in the context of the claims does not connote any structure to a person of ordinary skill in the art, I have reviewed the specification for the relevant structure. The specification of the '438 patent provides a single citation that describes the appropriate type of input unit for an electronic notice board system, such as the one claimed in the patent.

***"The input/output unit 103 typically includes a liquid crystal display device and a ten-keyboard.*** However, the input/output unit 103 is not limited to the liquid crystal display device and the ten-key board. That is to say, the input/output unit 103 can be any component as long as the component is ***capable of receiving an input entered by the user and displaying an output to the user.***" '438 patent at 3:61-67 (emphasis added).