

EXHIBIT 6

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

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

**DECLARATION OF TIM A. WILLIAMS, Ph.D., REGARDING
CLAIM CONSTRUCTION**

I. INTRODUCTION

1. My name is Tim A. Williams and I have prepared this declaration at the request of the plaintiff in this case, Maxell, Ltd. (“Maxell”). This declaration provides my opinions with respect to certain claim terms of U.S. Patent No. 7,116,438 (“the ’438 Patent”).

2. Specifically, I have been asked to provide my expert opinion regarding the following terms of the ’438 Patent: “an input unit for receiving an input entered by a user”; “display apparatus”; and “means for selecting an object displayed on said display apparatus.”

3. I am being compensated for my time spent on this case at my normal consulting rate of \$675 per hour and that my compensation is not based on either the content of my opinions or the outcome of this case.

II. QUALIFICATIONS

4. Included below is a summary of my educational background, career history, publications, and other relevant qualifications.

5. I am an expert in wireless communications, telecom technology, and other areas of telecommunications. I am an entrepreneur who has participated in the organization and operation of start up companies that brought wireless Local Area Network (LAN), software for Voice over Internet Protocol (VoIP) Private Branch Exchange (PBX), and 2-way paging technology to the marketplace. I hold numerous patents in wireless and signal processing technology and I have extensive experience as a litigation support consultant in patent infringement matters.

6. I received my Ph. D. from the University of Texas at Austin in 1985. The title of my dissertation was “Digital Signal Processing Techniques for Acoustic Log Data.” Prior to that, I received a MSEE from the University of Texas at Austin in 1982 and a BSEE from Michigan Technological University in 1976.

7. From 1979 to 1991, I was a senior engineer at Motorola, Inc., where I was responsible for

product development in numerous areas of wireless technology, as set forth in more detail by my CV. Since 1991, I have worked as founder, board member, member, chief executive officer, chief technology officer, or partner in over a dozen wireless technologies as set forth in my CV.

8. My primary areas of expertise are in the fields of Wireless LANs; Cellular and Personal Communications Service (PCS) Standards; Cellular Telephone Architecture; Digital Signal Processing; Telecommunications Technology; VoIP Technology; Computer Networking; and Wireless Networks and Protocols.

9. Since 2001, I have evaluated hundreds of patents for various clients. These evaluations typically include, for example, analyzing whether products infringed certain patents; analyzing whether certain patents were valid; searching for and reviewing potential prior art; considering the importance of the technological inventions claimed; reviewing and analyzing patent specifications, prosecution histories of patents, and extrinsic evidence relevant to potential claim construction; and considering whether there are available alternatives to the claimed inventions. The cases in which I have consulted are set forth in my CV, attached as exhibit 1.

III. LEGAL UNDERSTANDING

10. I am not an attorney. I have been informed about legal standards of patent law, which I have used in developing my opinions expressed herein.

11. I understand that a patent may include two types of claims: independent claims and dependent claims. An independent claim stands alone and includes only the limitations it recites. A dependent claim can depend from an independent claim or another dependent claim and includes all the limitations that it recites in addition to all of the limitations recited in the claim or claims from which it depends.

12. I understand that the claim construction exercise begins with the language of the claims themselves, and that the general rule is that claim terms are given their plain and ordinary

meaning to a person of ordinary skill in the art, in view of the specification of the patent, at the time of the invention. I also understand that the intrinsic evidence (i.e., the claims, written description, and prosecution history) are the primary sources used in interpreting claim language.

13. I understand that if disputed claim language is clear on its face, the intrinsic evidence should be consulted to determine whether some deviation from the ordinary meaning of the claim language is warranted.

14. When the disputed claim language is not clear on its face, I understand that the intrinsic evidence should be used to resolve, if possible, the lack of clarity. I also understand that the specification is the best evidence of what the patentee intended the term to mean when there is no clear meaning of a claim term, and that the prosecution history may also shed light on the meaning of ambiguous terms. However, I understand that it is improper to import limitations from the specification into a patent claim through claim construction.

15. I have been informed that sometimes the ordinary meaning of claim language as understood by a person of ordinary skill in the art may be readily apparent even to lay persons. I understand that claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words.

16. I further understand that a patentee may act as his own lexicographer by giving a definition for a particular claim term. I understand that, in order for this principle to apply, the patentee must clearly set forth a definition and clearly express an intent to define that term. Simply disclosing a single embodiment is not sufficient.

17. I understand that if the intrinsic evidence fails to clearly disclose the meaning of a claim term, the court may look to extrinsic evidence outside the patent and prosecution history, such as expert testimony, treatises, and dictionaries.

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