

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**

**DECLARATION OF LUANN SIMMONS IN SUPPORT OF  
DEFENDANT APPLE INC.'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO  
SUPPLEMENT INVALIDITY 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 the above-referenced matter filed by Maxell, Ltd. ("Maxell"). I have personal knowledge of the facts stated herein and if called to testify could and would testify thereto.

2. On July 10, 2019, Maxell produced 3,774 documents, totaling 193,586 pages. Within this production, 263 documents (8,400 pages) are labeled with two different production numbers—one production number that is consistent with the numbers used by Maxell in this case (*i.e.*, with a "MAXELL\_APPLE" prefix), and a second production number with an "ASUS-MAX" prefix.

3. Attached as **Exhibit 1** is a true and correct copy of a 17-page document from Maxell's July 10, 2019 production labeled with (a) production numbers MAXELL\_APPLE0190983 through MAXELL\_APPLE190999 and (b) production numbers ASUS-MAX00019058 through ASUS-MAX00019074.

4. On November 18, 2019, pursuant to the Court's Order Focusing Patent Claims and Prior Art to Reduce Costs (D.I. 44) and Docket Control Order (D.I. 46), Apple served its preliminary election of prior art. Apple selected seven prior references for U.S. Patent No. 8,339,493, of which two are product prior art references. One of the two product prior art references selected by Apple is Casio QV-8000SX digital camera (the "Casio Camera").

I declare under the penalty of perjury that the foregoing is true and correct. Executed in New York, New York, on this 6th day of December, 2019.

/s/ Luann L. Simmons

Luann L. Simmons