

EXHIBIT 4

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In other words, in 2013, HCE/Hitachi, Ltd. assigned the smartphone portfolio to Hitachi Maxell and transferred over its files that related thereto. HCE/Hitachi, Ltd. did **not** transfer over files that related to its other portfolios that were not assigned to Hitachi Maxell, such as files relating to Hitachi, Ltd.'s wearable patent portfolio. Given the fact that Hitachi Maxell has no interest in or to such portfolio, there was no reason to.

Maxell does not deny that it relies on the June 25, 2013 meeting wherein Apple was presented with the opportunity to license the smartphone portfolio for its allegations of willfulness. And to that end, Maxell has produced the documents related to the smartphone portfolio that were

[REDACTED]

Regardless, as previously stated, Maxell is not in possession, custody, or control of such documents because they were not transferred by HCE/Hitachi, Ltd. to Hitachi Maxell.

[REDACTED]

[REDACTED]

¹ Apple admits “Maxell has produced one document provided by Hitachi to Apple during the meeting...” There were actually three documents relating to the smartphone portfolio provided during the meeting, all of which have been produced by Maxell.