

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 RESPONSIVE CLAIM CONSTRUCTION BRIEF**

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** is a true and correct copy of the Expert Declaration of Dr. Daniel Menasce ("Menasce Decl.").
3. Attached as **Exhibit B** is a true and correct copy of the Expert Declaration of Dr. Benjamin Bederson ("Bederson Decl.").
4. Attached as **Exhibit C** is a true and correct copy of the Expert Declaration of Dr. Alan Bovik ("Bovik Decl.").
5. Attached as **Exhibit D** is a true and correct copy of the Expert Declaration of Dr. Joseph Paradiso ("Paradiso Decl.").
6. Attached as **Exhibit E** are true and correct copies of excerpts from the Deposition Transcript of Dr. Michael Brogioli ("Brogioli Dep. Tr.")

7. Attached as **Exhibit F** are true and correct copies of excerpts from the Deposition Transcript of Dr. Robert Maher (“Maher Dep. Tr.”).

8. Attached as **Exhibit G** are true and correct copies of excerpts from the Deposition Transcript of Dr. Tim Williams (“Williams Dep. Tr.”).

9. Attached as **Exhibit H** are true and correct copies of excerpts from the Deposition Transcript of Dr. Vijay Madiseti (“Madiseti Dep. Tr.”).

10. Attached as **Exhibit I** are true and correct copies of excerpts from the Deposition Transcript of Dr. Craig Rosenberg (“Rosenberg Dep. Tr.”).

11. Attached as **Exhibit J** are true and correct copies of excerpts from the Deposition Transcript of Dr. Daniel Menasce (“Menasce Dep. Tr.”).

12. Attached as **Exhibit K** are true and correct copies of excerpts from the Deposition Transcript of Dr. Alan Bovik (“Bovik Dep. Tr.”).

13. Attached as **Exhibit L** are true and correct copies of excerpts from the Deposition Transcript of Dr. Joseph Paradiso (“Paradiso Dep. Tr.”).

14. Attached as **Exhibit M** is a true and correct copy of an excerpt from the file history for U.S. Patent No. 10,084,991 produced with production numbers MAXELL\_APPLE0001734 through MAXELL\_APPLE001824. Exhibit M includes the original application filed on December 11, 2017.

15. Attached as **Exhibit N** is a true and correct copy of an excerpt from the file history for U.S. Patent No. 10,084,991 including an Amendment Under 37 CFR § 1.312 dated July 24, 2018, produced with production numbers MAXELL\_APPLE0001608 through MAXELL\_APPLE0001610.

16. Attached as **Exhibit O** is a true and correct copy of an excerpt from the file history for U.S. Patent No. 8,339,493 including a Non-Final Office Action dated March 14, 2012, produced with production numbers MAXELL\_00001452 through MAXELL\_0001461.

17. Attached as **Exhibit P** is a true and correct copy of an excerpt from the file history for U.S. Patent No. 8,339,493, including a Non-Final Office Action dated March 14, 2012, produced with production numbers MAXELL\_APPLE0001434 through MAXELL\_APPLE0001444.

18. Attached as **Exhibit Q** is a true and correct copy of Patent Owner's Preliminary Response to Petition for *Inter Partes* Review of U.S. Patent No. 6,430,498 for IPR2019-00071, dated January 22, 2019, produced with production numbers MAXELL\_APPLE0137470 through MAXELL\_APPLE0137539.

19. Attached as **Exhibit R** is a true and correct copy of the Decision Denying Institution of Inter Partes Review for IPR2019-00071, dated March 14, 2019, produced with production numbers MAXELL\_APPLE0137540 through MAXELL\_APPLE0137552.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on this 9th day of December, 2019.

/s/ Luann L. Simmons  
Luann L. Simmons