

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 RESPONSE TO MOTION FOR SANCTIONS**

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 1** are true and correct copies of excerpts to the transcript to the Meet and Confer Teleconference, dated March 3, 2020.
3. Attached as **Exhibit 2** is a true and correct copy of correspondence to Tony Beasley from Jamie Beaber, dated September 24, 2019.
4. Attached as **Exhibit 3** is a true and correct copy of correspondence to Jamie Beaber from Tony Beasley, dated October 2, 2019.
5. Attached as **Exhibit 4** is a true and correct copy of an email thread to Tripp Fussell from Tony Beasley, dated September 4, 2019.
6. Attached as **Exhibit 5** is a true and correct copy of correspondence to Tony Beasley from Jamie Beaber, dated December 18, 2019.

7. Attached as **Exhibit 6** is a true and correct copy of correspondence to Jamie Beaber from Marc Pensabene, dated January 31, 2020.

8. Attached as **Exhibit 7** is a true and correct copy of correspondence to Marc Pensabene from Jamie Beaber, dated February 5, 2020.

9. Attached as **Exhibit 8** is a true and correct copy of an email to Tiffany Miller from Marc Pensabene, dated February 22, 2020.

10. Attached as **Exhibit 9** is a true and correct copy of an email thread to Tiffany Miller from Marc Pensabene, dated March 10, 2020.

11. Attached as **Exhibit 10** are true and correct copies of excerpts from Appendix 5 to Maxell's Supplemental Infringement Contentions, served on October 15, 2019.

12. Attached as **Exhibit 11** are true and correct copies of excerpts from Appendix 4A to Maxell's Supplemental Infringement Contentions, served on October 15, 2019.

13. Attached as **Exhibit 12** are true and correct copies of excerpts Appendix 9 to Maxell's Supplemental Infringement Contentions, served on October 15, 2019.

14. Attached as **Exhibit 13** are true and copies of excerpts to the transcript to the motion hearing, dated January 8, 2020.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on this 19th day of March, 2020.

/s/ Luann L. Simmons  
Luann L. Simmons