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** **FILED UNDER SEAL**

DECLARATION OF SAQIB J. SIDDIQUI IN SUPPORT OF
MAXELL, LTD.'S REPLY IN SUPPORT OF OPPOSED MOTION FOR SANCTIONS

I, Saqib J. Siddiqui, hereby declare and state as follows:

1.   I am an attorney at Mayer Brown LLP, counsel for Plaintiff Maxell, Ltd.

("Maxell") in the above-captioned lawsuit. I submit this declaration in support of Maxell's Reply

in Support of Opposed Motion for Sanctions. I have personal knowledge of the statements

herein, and, if called to do so, I could and would testify competently as to the same.

2.   Attached as Exhibit R is a true and correct copy of a letter sent from James

Fussell to Tony Beasley on July 22, 2019.

3.   Attached as Exhibit S is a true and correct excerpt of the ███████████

███████████ (APL-MAXELL_01307259 – 1308418), produced by Apple on March 6,

███████████████████████████████████████

███████

4.   Attached as Exhibit T is a true and correct excerpt of the Rough Transcript for the

Deposition of Adam Machalek, held on March 6, 2020.

5.   Attached as Exhibit U is a true and correct copy of a letter sent from Tony Beasley to Jamie Beaber on October 16, 2019.

6.   Attached as Exhibit V is a true and correct excerpt of ███████████ ██████████ (APL-MAXELL_01308419 – 1308477), produced by Apple on March 9, 2020.

7.   Attached as Exhibit W is a true and correct excerpt of ███████████ ██████████ (APL-MAXELL_01308478 – 1308553), produced by Apple on March 9, 2020.

8.   Attached as Exhibit X is a true and correct excerpt of ███████████ ██████████ (APL-MAXELL_01308554 – 01308597), produced by Apple on March 9, 2020.

9.   Attached as Exhibit Y is a true and correct excerpt of ███████████ ██████████ (APL-MAXELL_01308598 – 1308619), produced by Apple on March 9, 2020.

10.   Attached as Exhibit Z is a true and correct excerpt of the ███████████ ██████████ (APL-MAXELL_01445399 – 1445451), produced by Apple on March 18, 2020.

11.   Attached as Exhibit AA is a true and correct excerpt of the ███████████ ██████████ (APL-MAXELL_01445560 – 1445634), produced by Apple on March 18, 2020.

12.   Attached as Exhibit BB is a true and correct copy of a letter sent from Marc Pensabene to Jamie Beaber on March 24, 2020.

13.   Attached as Exhibit CC is a true and correct excerpt of the Rough Transcript for the Deposition of Daniel Borges, held on March 11, 2020.

14.   Claim 1 of the '193 Patent includes the following claim element for which Maxell has requested relief to rely on a representative product "controller controls said transmitter so that an **open-loop power control** is performed and then a **closed-loop power control** is

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performed according to said power control signal so as to control the transmitted power to converge into a range required by said cell-site station, and said controller **controls a gain** of said variable amplitude amplifier and a **bias condition of said power amplifier** using a set of bias and gain data stored in said memory."

15.   The below table provides an index of productions made by Apple after November 27, 2019. The index provides the date of the production, number of documents produced, number of pages produced, and a high-level summary of the materials included in the production:

Date	No. Documents	No. Pages	High-Level Summary of Produced Materials
12/6/19	23	3,012	
12/13/19	12	1,251	
1/15/20	583	83,358	
1/24/20	15	6,776	
1/31/20	20	191	
2/10/20	96	2,348	
2/12/20	3,547	7,928	
2/20/20	299	66,284	
2/28/20	282	10,585	
3/5/20	978	21,678	
3/6/20	17	2,826	
3/9/20	4	201	
3/10/20 (3/11 est)	597	105,071	
3/12/20	315	5,885	

3/13/20	58	23,328
3/17/20	41	2,454
3/18/20	6	649
3/20/20	112	4,554
3/24/20	365	12,160
TOTAL	7,370	360,539

16.   On February 20, 2020, Apple confirmed that it added source code to the review computers on February 19, 2020. On March 16, 2020, Apple stated that "Based on Maxell's recent requests for additional source code, Apple is in the process of updating the source code productions…. We will notify Maxell when those updates are completed, however, due to the closure of our San Francisco office, we uncertain when the updates will be completed." On March 20, 2020, Apple informed Maxell that amongst this office closure "Apple added source code to the review computers on the following dates: March 10, 13, and 18. The added source code include the following projects: ███████████████████████████ ██████████████████████████████████████ Maxell further understands that at least s████████████████████████████████ ██████ is still forthcoming.

17.   The below table provides an overview of whether each source code project cited in Maxell's Second Supplemental Infringement Contentions, served on March 13, 2020, had been both produced prior to and addressed by Apple in its November 4, 2019 response to Interrogatory No. 12 (which requests, for each directory of source code made available, that

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Apple identify the accused products and operating system versions to which each directory corresponds):

Second Supplemental Infringement Contentions of U.S. Patent No. 8,339,493

Cited Source Code Project	Produced and Addressed in 11/4/19 Interrogatory Response to Rog. 12
(Projects Not Produced by 11/4/19) / (Total Projects Cited)	**6 / 28 = 21.4%**

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