

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 TIFFANY A. MILLER IN SUPPORT OF  
MAXELL, LTD.'S OPPOSITION TO APPLE INC.'S MOTION TO STAY PENDING  
DETERMINATION OF *INTER PARTES* REVIEW OF THE PATENTS-IN-SUIT**

I, Tiffany A. Miller, 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 Opposition to Apple Inc.'s ("Apple") Motion to Stay Pending Determination of *Inter Partes* Review of the Patents-in-Suit. 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 A is a true and correct excerpt from Apple's Petition for *Inter Partes* Review of U.S. Patent No. 6,928,306 (IPR2020-00204, Paper 1), filed December 20, 2019.

3. Attached as Exhibit B is a true and correct copy of the document entitled "Median Time to Disposition in Cases Terminated After Hearing or Submission," made available by the Federal Circuit at: [http://www.cafc.uscourts.gov/sites/default/files/the-court/statistics/06\\_Med\\_Disposition\\_Time\\_MERITS\\_table\\_Final.pdf](http://www.cafc.uscourts.gov/sites/default/files/the-court/statistics/06_Med_Disposition_Time_MERITS_table_Final.pdf) (last accessed April 6, 2020).

from Apple's Petition for *Inter Partes* Review of U.S. Patent No. 6,928,306 (IPR2020-00204, Paper 1), filed December 20, 2019.

4. Attached as Exhibit C is a true and correct copy of Lex Machina's Patent Trial and Appeal Board Statistics for trial listing Hitachi Maxell, Ltd. or Maxell, Ltd. as the patent Owner, which contains data valid as of April 1, 2020. This document was retrieved from Lex Machina's website on April 2, 2020.


5. The below chart represents the claims challenged by Apple in each of the IPRs it filed against a Patent-in-Suit.

IPR	Patent	Challenged Claims
IPR2020-00199	U.S. Patent No. 6,329,794	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
IPR2020-00200	U.S. Patent No. 10,084,991	1, 2, 3, 4, 5, 8, 9, 10, 11, 12
IPR2020-00201	U.S. Patent No. 7,116,438	1, 2, 3, 4, 5, 6, 7
IPR2020-00202	U.S. Patent No. 10,212,586	1, 2, 6, 7, 9, 10, 13, 14, 16, 17, 18
IPR2020-00203	U.S. Patent No. 6,408,193	1, 6, 7
IPR2020-00204	U.S. Patent No. 6,928,306	2, 5, 6, 12, 13, 14, 15
IPR2020-00407	U.S. Patent No. 6,748,317	1, 2, 3, 5, 10, 11, 12, 13, 14, 15, 17, 18
IPR2020-00408	U.S. Patent No. 6,430,498	1, 3, 4, 5, 7, 8, 9, 10, 11, 13
IPR2020-00409	U.S. Patent No. 6,580,999	1, 2, 3, 4, 5, 6
IPR2020-00597	U.S. Patent No. 8,339,493	1, 3, 4, 5, 6, 10, 11
<b>Total Number Challenged Claims</b>		<b>86</b>

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that this Declaration was executed on April 7, 2020 in Washington, D.C.

Dated: April 7, 2020

By:



Tiffany A. Miller