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**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

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**DECLARATION OF SAQIB J. SIDDIQUI IN SUPPORT OF MAXELL'S OPPOSITION
TO APPLE'S RENWED MOTION TO COMPEL INFRINGEMENT CONTENTIONS**

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

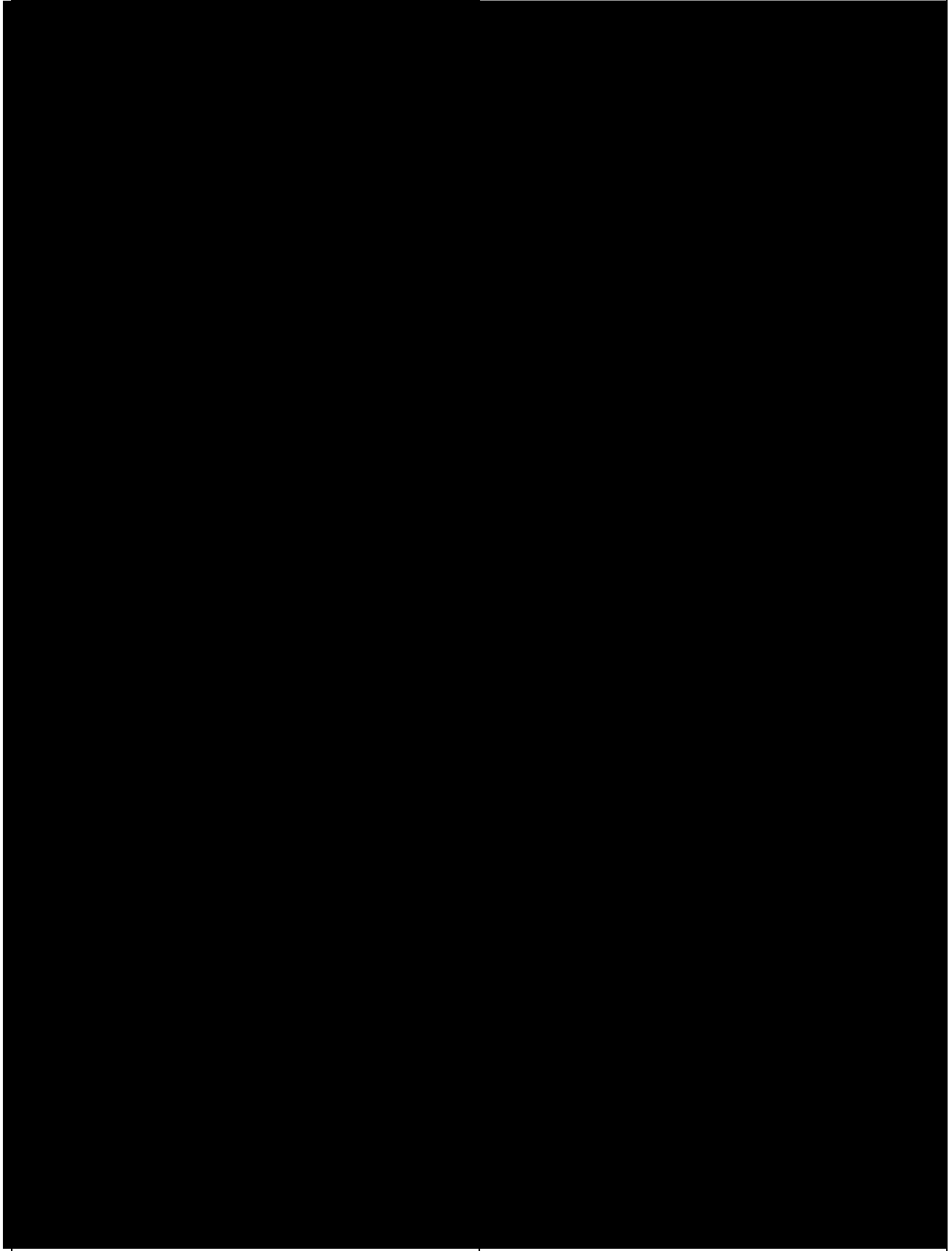
1. I am an attorney at Mayer Brown LLP, counsel for Maxell, Ltd. ("Maxell") in the above-captioned lawsuit. I have personal knowledge of the statements herein, and, if called to do so, I could and would testify competently as to the same.

2. Maxell has deposed several Apple engineers regarding produced Apple source code. When questioned regarding particular source code projects, which are at a higher level than the files cited in Maxell's SSICs, [REDACTED]

[REDACTED], as shown in the following excerpts:

[REDACTED]

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3. Apple produced source code on at least and March 10, 13, 18, and April 6, 2020. Apple also produced documents that aid in the understanding of code following Maxell’s service of its SSICs, such as [REDACTED] (produced on March 31 and April 17, 2020). Apple still has not produced source code for [REDACTED]. During a meet and confer held on April 2, 2020, Apple’s counsel stated the following:

[REDACTED]

4. The following is a true and correct excerpt of Maxell’s SSICs for element 5(e) of the ’493 Patent:

U.S. Patent No. 8,339,493	Exemplary Evidence of Infringement
image signals by using pixel lines that have been mixed or culled from the N number of vertically arranged pixel lines to only include pixel lines separated from one another by intervals of a first distance; and	arranged pixel lines to only include pixel lines separated from one another by intervals of a first distance. Upon information and belief the displayed image is a downsampled/culled version of the image on the sensor, or the array of pixels from the area of the image sensor selected for read-out, with a lower number of lines than the image on the sensor as the resolution of the image sensor in the Apple ’493 Products is higher than the resolution of the display.

5. The following is a true and correct excerpt of Maxell’s SSICs for element 5(d) of the ’493 Patent:

	As non-limiting examples of Apple’s infringement, the iPhone X, iPhone 8 Plus, and iPhone 8 each use N number (for example, 3024 or fewer) pixel lines when recording images in static mode (such as when taking a picture). In other words, in these examples at one orientation, the iPhone X, iPhone 8 Plus, and iPhone 8 each capture still images that have 3024 vertically arranged pixel lines, using all of the vertically arranged pixel lines (N) available for static image capture in these products’ 12MP image sensing device. In these examples, N = 3024, though other, lesser values of N are possible. In addition, depending on the orientation of the product, in these examples N may also be 4032.
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6. The following is a true and correct excerpt of Maxell’s SSICs for element 1(f) of the ’794 Patent:

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U.S. Patent No. 6,329,794	Exemplary Evidence of Infringement
	As another example of a function device that receives a power consumption reduction instruction, the iPhone XS's display screen dims upon entering low-power mode. The
	display, and any associated display circuitry or hardware, thus also may be included within the set, GA.

7. The following chart contains the claim language for claim elements 1(d), 5(e), and 10(f) of the '493 Patent:

1(d): wherein during monitoring in a static image mode, the signal processing unit generates the image signals by mixing or culling signal charges accumulated in the N number of vertically arranged pixel lines to provide pixel lines only at pixel intervals of K1 pixels;	5(e): wherein when monitoring the image in the static image mode, the signal processing unit generates the image signals by using pixel lines that have been mixed or culled from the N number of vertically arranged pixel lines to only include pixel lines separated from one another by intervals of a first distance; and	10(f): upon selecting the operation of monitoring the image in the static image mode, using the signal processing unit to generate the image signals by using pixel lines which have been mixed or culled from the N number of vertically arranged pixel lines of the image sensing device to provide only pixel lines separated from one another by intervals of a [first] distance; and
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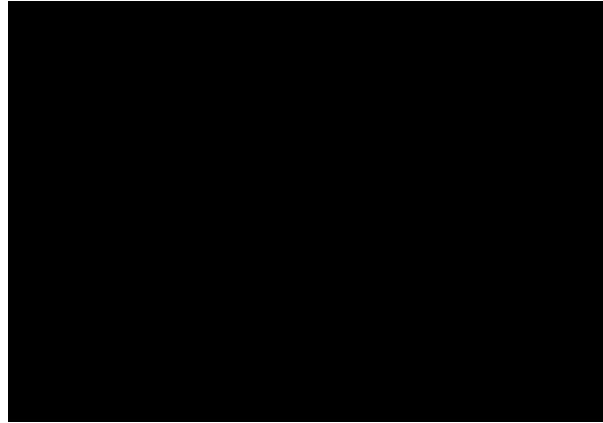
8. The following exchange was held during a 3/31/20 meet and confer:

MR. BEABER: Louann, a quick question. Does Apple have anything internal that they either have used in the past or would be willing to use? Since I think it sounds like the preference is an Apple platform, I'm just wondering, Apple is a high-tech company, do they have any proposed solutions that maybe you can propose to us instead of us trying to find other options and spending a lot of time and resources and not knowing whether, you know, they are acceptable to Apple?

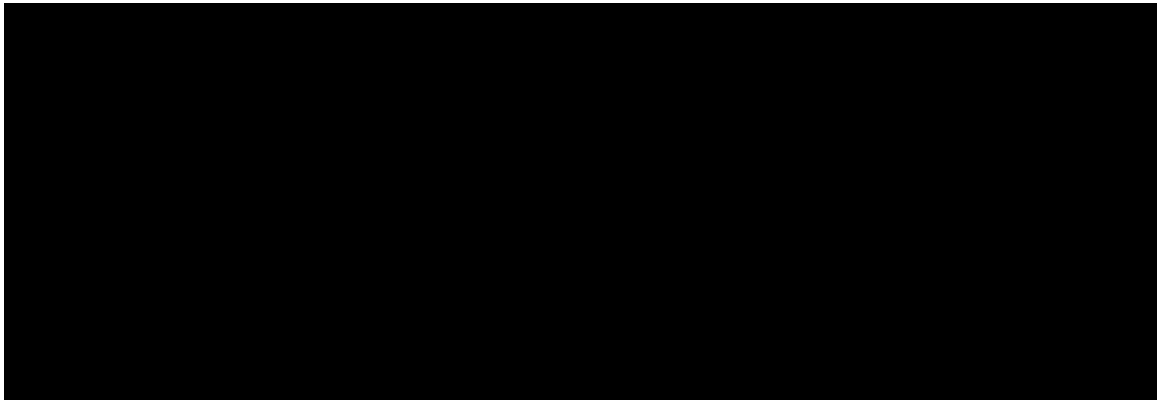
MS. SIMMONS: T [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED].

9. At deposition, Apple engineers testified that [REDACTED]
 [REDACTED]. For example, on 4/17/20, Apple's designee [REDACTED] testified:

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10. The following is a true and correct excerpt of a letter received from Apple's counsel, Marc Pensabene, on April 27, 2020:



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 28, 2020 in Washington, D.C.

Dated: April 28, 2020

By: 

Saqib J. Siddiqui