

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MAXELL, LTD.,

Plaintiff

v.

APPLE INC.,

Defendant.

Civil Action NO. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

**DECLARATION OF MARK LIANG IN SUPPORT OF APPLE INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT OF SUBJECT MATTER INELIGIBILITY UNDER
35 U.S.C. § 101 FOR U.S. PATENT NOS. 6,928,306 AND 6,329,794**

I, Mark Liang, declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, counsel for Defendant Apple Inc. ("Apple") in this matter instituted by Plaintiff Maxell, Ltd. ("Maxell"). I am a member in good standing of the State Bar of California and have been admitted to practice before this Court. The statements below are based on personal knowledge and/or investigation of the facts stated herein and if called to testify could competently testify to their substance.

2. Attached as **Exhibit A** is a true and correct copy of U.S. Patent No. 6,928,306 titled "Portable Mobile Unit," issued on August 9, 2005.

3. Attached as **Exhibit B** is a true and correct copy of U.S. Patent No. 6,329,794 titled "Information Processing Device And Method For Controlling Power Consumption Thereof," issued on December 11, 2001.

4. Attached as **Exhibit C** is a true and correct copy of U.S. Patent No. 6,122,347 titled "System And Method For Self-Announcing A Caller Of An Incoming Telephone Call," issued on September 19, 2000.

5. Attached as **Exhibit D** is a true and correct copy of International Publication WO 1996/027974 titled "A Telephone Set Having Calling Party Dependent Ringing," published on September 12, 1996.

6. Attached as **Exhibit E** is a true and correct copy of excerpts from the Initial Expert Report Of Robert Maher, Ph.D. Concerning Apple's Infringement Of U.S. Patent No. 6,928,306, dated May 7, 2020.

7. Attached as **Exhibit F** is a true and correct copy of excerpts from the Opening Expert Report Of Dr. Benjamin B. Bederson Regarding Invalidity Of U.S. Patent Nos. 6,928,306 And 10,084,991, dated May 7, 2020.

8. Attached as **Exhibit G** is a true and correct copy of excerpts from the Initial

Expert Report Of Michael C. Brogioli, Ph.D. Concerning Apple's Infringement Of U.S. Patent No. 6,329,794, dated May 7, 2020.

9. Attached as **Exhibit H** is a true and correct copy of excerpts from the Declaration Of Michael C. Brogioli, Ph.D. In Support Of Maxell's Proposed Claim Constructions, dated October 4, 2019.

10. Attached as **Exhibit I** is a true and correct copy of excerpts from the transcript from the deposition of Maxell's expert Dr. Michael Brogioli, taken on October 24, 2019.

11. Attached as **Exhibit J** is a true and correct copy of excerpts from the transcript from the deposition of Maxell's expert Dr. Robert Maher, taken on October 25, 2019.

12. Attached as **Exhibit K** is a true and correct copy of excerpts from the transcript from the deposition of U.S. Patent No. 6,928,306's inventor Shigeto Oeda, taken on February 19, 2020.

13. Attached as **Exhibit L** is a true and correct copy of excerpts from the file history of U.S. Patent No. 6,928,306 produced by Maxell with production numbers MAXELL_APPLE0000873 to MAXELL_APPLE0001182.

14. Attached as **Exhibit M** is a true and correct copy of an Order from *Maxell, Ltd. v. ZTE Corp., et al.*, No. 5:16-cv-00179-RWS (E.D. Tex.), issued on June 8, 2018.

15. Attached as **Exhibit N** is a true and correct copy of the Jury Verdict Form from *Maxell, Ltd. v. ZTE Corp., et al.*, No. 5:16-cv-00179-RWS (E.D. Tex.), dated June 29, 2018.

16. Attached as **Exhibit O** is a true and correct copy of excerpts from Defendant ZTE (USA), Inc.'s Rule 50 Motion For Judgment As A Matter Of Law And Motion For New Trial Pursuant To Federal Rule 59 from *Maxell, Ltd. v. ZTE Corp., et al.*, No. 5:16-cv-00179-RWS (E.D. Tex.), dated August 3, 2018.

17. Attached as **Exhibit P** is a true and correct copy of the Joint Motion To Stay All

Deadlines And Notice Of Settlement from *Maxell, Ltd. v. ZTE Corp., et al.*, No. 5:16-cv-00179-RWS (E.D. Tex.), dated February 4, 2019.

18. Attached as **Exhibit Q** is a true and correct copy of excerpts from the transcript from the deposition of Maxell's expert Dr. Robert Maher, taken on June 23, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed June 30, 2020, in San Francisco, California.

/s/ Mark Liang
Mark Liang