

**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 XIN-YI ZHOU IN SUPPORT OF APPLE INC.'S MOTION FOR
PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT
NOS. 10,084,991 AND 8,339,493**

I, Xin-Yi Zhou, 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 1** is a true and correct copy of excerpts from the Initial Expert Report of Maja Bystrom, Ph.D. Concerning Apple's Alleged Infringement of U.S. Patent No. 10,084,991, dated May 7, 2020.

3. Attached as **Exhibit 2** is a true and correct copy of excerpts from the Initial Expert Report of Vijay Madiseti, Ph.D. Concerning Apple's Infringement of U.S. Patent No. 8,339,493, dated May 7, 2020.

4. Attached as **Exhibit 3** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00790699 to APL-MAXELL_00702825, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX164.

5. Attached as **Exhibit 4** is a true and correct copy of excerpts from the transcript from the deposition of Maxell's expert Dr. Vijay Madiseti, taken on October 22, 2019.

6. Attached as **Exhibit 5** is a true and correct copy of excerpts from the transcript from the deposition of Maxell's expert Dr. Vijay Madiseti, taken on June 25, 2020.

7. Attached as **Exhibit 6** is a true and correct copy of deposition Exhibit 430 from Dr. Vijay Madiseti's deposition, taken on June 25, 2020. It is a document with production number MAXELL_APPLE0257741 to MAXELL_APPLE0257798 that purports to include test images taken at Dr. Madiseti's direction.

8. Attached as **Exhibit 7** is a true and correct copy of excerpts from deposition

Exhibit 432 from Dr. Vijay Madiseti's deposition, taken on June 25, 2020. Deposition Exhibit 432 is Appendix 3 to Maxell's Second Supplemental Patent Rule 3-1 And 3-2 Disclosure Of Asserted Claims And Infringement Contentions Against Apple, dated March 13, 2020.¹

9. Attached as **Exhibit 8** is a true and correct copy of the document with production number APL-MAXELL_01419575, which was produced by Apple.

10. Attached as **Exhibit 9** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00702420 to APL-MAXELL_00702523, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX149.

11. Attached as **Exhibit 10** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00702524 to APL-MAXELL_00702698, which was produced by Apple. This document is OmniVision's Specification for Image Sensor OV9762.

12. Attached as **Exhibit 11** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00702928 to APL-MAXELL_00703133, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX237.

13. Attached as **Exhibit 12** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00703134 to APL-MAXELL_00703247, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX190.

14. Attached as **Exhibit 13** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00703248 to APL-MAXELL_00703474, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX247.

¹ Exhibit 432 (Appendix 3 to Maxell's Second Supplemental Patent Rule 3-1 And 3-2 Disclosure Of Asserted Claims And Infringement Contentions Against Apple, dated March 13, 2020) was erroneously labeled "Exhibit 431" by the court reporter. The deposition transcript, however, is clear that Exhibit 432 is the "Second Supplemental Contentions of U.S. Patent Number 8,339,493-Appendix 3.PDF." Madiseti Deposition Transcript (June 24, 2020) at 4:14-17.

15. Attached as **Exhibit 14** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00703475 to APL-MAXELL_00703613, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX314.

16. Attached as **Exhibit 15** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00703614 to APL-MAXELL_00703887, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX303.

17. Attached as **Exhibit 16** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00703888 to APL-MAXELL_00704160, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX313.

18. Attached as **Exhibit 17** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00704161 to APL-MAXELL_00704416, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX343.

19. Attached as **Exhibit 18** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00704417 to APL-MAXELL_00704673, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX353.

20. Attached as **Exhibit 19** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00704674 to APL-MAXELL_00704790, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX354.

21. Attached as **Exhibit 20** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00704791 to APL-MAXELL_00705060, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX414.

22. Attached as **Exhibit 21** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00705061 to APL-MAXELL_00705289, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX403.

23. Attached as **Exhibit 22** is a true and correct copy of excerpts from the document with production number APL-MAXELL_00705508 to APL-MAXELL_00705764, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX356.

24. Attached as **Exhibit 23** is a true and correct copy of excerpts from the document with production number APL-MAXELL_01146196 to APL-MAXELL_01146568, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX503.

25. Attached as **Exhibit 24** is a true and correct copy of excerpts from the document with production number APL-MAXELL_01146579 to APL-MAXELL_01146834, which was produced by Apple. This document is Sony's Specification for Image Sensor IMX372.

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 Los Angeles, California.

/s/ Xin-Yi Zhou
Xin-Yi Zhou