

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

PUBLIC VERSION

**DECLARATION OF WILLIAM J. BARROW IN SUPPORT OF
MAXELL, LTD.'S OPPOSITION TO APPLE INC.'S *DAUBERT* MOTION TO
EXCLUDE CONCLUSORY TESTIMONY AND OPINIONS OF MAXELL'S
EXPERTS RELATING TO DOCTRINE OF EQUIVALENTS AND SOURCE CODE**

I, William J. Barrow, 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") *Daubert* Motion to Exclude Conclusory Testimony and Opinions of Maxell's Experts Relating to Doctrine of Equivalents and Source Code. 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 1 is a true and correct excerpt from the Initial Expert Report of Vijay Madiseti, Ph.D. Concerning Apple's Infringement of U.S. Patent No. 8,339,493, served May 7, 2020.

3. Attached as Exhibit 2 is a true and correct excerpt from the Opening Expert Report of Dr. Harry V. Bims Regarding Invalidity of U.S. Patent No. 6,408,193, served May 7, 2020.

4. Attached as Exhibit 3 is a true and correct excerpt from the Initial Expert Report of Branimir Vojcic, Ph.D. Concerning Apple's Infringement of U.S. Patent No. 6,408,193, served May 7, 2020.

5. Attached as Exhibit 4 is a true and correct excerpt from the Initial Expert Report of Maja Bystrom, Ph.D. Concerning Apple's Infringement of U.S. Patent No. 10,084,991, served May 7, 2020.

6. Attached as Exhibit 5 is a true and correct excerpt from the Initial Expert Report of Tim Williams, Ph.D. Concerning Apple's Infringement of U.S. Patent No. 10,212,586, served on May 7, 2020.

7. Attached as Exhibit 6 is a true and correct excerpt from the Initial Expert Report of Michael C. Brogioli, Ph.D. Concerning Apple's Infringement of U.S. Patent No. 6,329,794, served May 14, 2020.

8. Attached as Exhibits 7-10 are true and correct excerpts from the File History of U.S. Patent No. 6,329,794 produced with production numbers MAXELL_APPLE0000219 – 220, MAXELL_APPLE0000279 – 283, MAXELL_APPLE0000288 – 294, and MAXELL_APPLE0000295 – 299.

9. Attached as Exhibit 11 is a true and correct excerpt from the Rebuttal Expert Report of Dr. Daniel A. Menascé Regarding Non-Infringement of U.S. Patent No. 6,329,794, served June 11, 2020.

10. Attached as Exhibit 12 is a true and correct excerpt from the Initial Expert Report of Craig Rosenberg, Ph.D. Concerning Apple's Infringement of U.S. Patent Nos. 6,748,317, 6,430,498, and 6,580,999, served May 7, 2020.

11. Attached as Exhibit 13 is a true and correct excerpt from the Initial Expert Report of Robert Maher, Ph.D. Concerning Apple's Infringement of U.S. Patent No. 6,928,306, served May 7, 2020.

12. Attached as Exhibit 14 is a true and correct excerpt from the deposition transcript of Dr. Harry V. Bims dated June 24, 2020.


13. Attached as Exhibit 15 is a true and correct excerpt from the deposition transcript of Craig Rosenberg, Ph.D. dated June 15, 2020.

14. Attached as Exhibit 16 is a true and correct excerpt from the deposition transcript of Vijay Madiseti, Ph.D. dated June 25, 2020.

15. Attached as Exhibit 17 is a true and correct copy of U.S. Patent No. 6,748,317.

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 July 15, 2020 in Washington, DC.

Dated: July 15, 2020

By: 
William J. Barrow