

EXHIBIT 1

**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

**PLAINTIFF MAXELL, LTD.'S
PATENT RULE 3-1 AND 3-2 DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS AGAINST DEFENDANT APPLE INC.**

Pursuant to Patent Rules (“P.R.”) 3-1 and 3-2, Plaintiff Maxell, Ltd. (“Maxell”) hereby serves its Disclosure of Asserted Claims and Infringement Contentions and accompanying disclosure against Defendant Apple Inc. (“Defendant” or “Apple”).

These contentions are based on information reasonably available to Maxell at this time. Maxell’s investigation of the facts relevant to this case is ongoing, discovery has not yet begun, and the Court has not yet construed the claims. Further, important information about many or all of Apple’s products is not publicly available, including information relevant to the patents-in-suit and these Infringement Contentions. Accordingly, Maxell reserves the right to modify and/or supplement these disclosures as information becomes available, based on the Court’s claim constructions, and/or based on positions taken by Apple.

A. P.R. 3-1(a): Identification of Asserted Claims

Pursuant to P.R. 3-1(a) and based on the information presently available, Maxell incorporates herein by reference the identification of asserted claims set forth in its Complaint (*see* Dkt. No. 1) and in the attached Appendices 1-10. Maxell further discloses the following claims of each patent-in-suit that it contends are infringed (directly and/or indirectly, literally and/or under the doctrine of equivalents) by Apple, through its manufacture, use, sale, offer for sale, and/or importation into the United States of the Accused Instrumentalities:

U.S. Patent 6,748,317 (“the ’317 Patent”): claims 1-3, 5-15, 17, and 18;

U.S. Patent 6,580,999 (“the ’999 Patent”): claims 1-6;

U.S. Patent 8,339,493 (“the ’493 Patent”): claims 1, 3-6, 10, and 11;

U.S. Patent 7,116,438 (“the ’438 Patent”): claims 1-7;

U.S. Patent 6,408,193 (“the ’193 Patent”): claims 1, 6, and 7;

U.S. Patent 10,084,991 (“the ’991 Patent”): claims 1-5 and 8-12;

U.S. Patent 6,928,306 (“the ’306 Patent”): claims 2, 5, 6, and 12-15;

U.S. Patent 6,329,794 (“the ’794 Patent”): claims 1-3 and 5-14;

U.S. Patent 10,212,586 (“the ’586 Patent”): claims 1-2, 6-7, 9-10, 13-14, and 16-18; and

U.S. Patent 6,430,498 (“the ’498 Patent”): claims 1, 3-5, 7-11, and 13.

Maxell expressly reserves the right to modify, amend and/or supplement the foregoing in light of new information made available to Maxell, based on the Court’s claim construction, or based on positions taken by Apple.

B. P.R. 3-1(b): Identification of Accused Instrumentalities

Pursuant to P.R. 3-1(b) and based on the information presently available, Maxell incorporates herein by reference the identification of Accused Instrumentalities set forth in the

Claims 1, 3-5, 7-11, and 13 of the '498 Patent recite functionality that is implemented by using a combination of hardware and software. Thus, Maxell intends to supplement its infringement contentions after Apple and/or third parties produce adequate source code for each of the products accused of infringing the '498 Patent.

H. Document Production Accompanying Disclosure

Pursuant to P.R. 3-2, Maxell hereby discloses the following documents accompanying its Disclosure of Asserted Claims and Infringement Contentions that correspond to the following categories:

P.R. 3-2(a): Based on its reasonable search and investigation, Maxell states that it does not have any documents that fall within this category.

P.R. 3-2(b): Based on its reasonable search and investigation, Maxell states that it does not have any documents that fall within this category.

P.R. 3-2(c): A copy of the file histories is being produced concurrently herewith at Bates Nos. MAXELL_APPLE0000001 through MAXELL_APPLE0002744.

Dated: June 12, 2019

By: /s/ Jamie B. Beaber

Geoff Culbertson
Kelly Tidwell
Patton, Tidwell & Culbertson, LLP
2800 Texas Boulevard (75503)
Post Office Box 5398
Texarkana, TX 75505-5398
Telephone: (903) 792-7080
Facsimile: (903) 792-8233
gpc@texarkanalaw.com
kbt@texarkanalaw.com

Jamie B. Beaber
Alan M. Grimaldi
Kfir B. Levy

James A. Fussell, III
Baldine B. Paul
Tiffany A. Miller
Saqib Siddiqui
William J. Barrow
Bryan Nese
Alison T. Gelsleichter
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Telephone: (202) 263-3000
Facsimile: (202) 263-3300
jbeaber@mayerbrown.com
agrimaldi@mayerbrown.com
klevy@mayerbrown.com
jfussell@mayerbrown.com
bpaul@mayerbrown.com
tmiller@mayerbrown.com
ssiddiqui@mayerbrown.com
wbarrow@mayerbrown.com
bnese@mayerbrown.com
agelsleichter@mayerbrown.com

Robert G. Pluta
Amanda S. Bonner
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
(312) 782-0600
rpluta@mayerbrown.com
asbonner@mayerbrown.com

Counsel for Plaintiff Maxell, Ltd.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.