

**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 CLARK S. BAKEWELL IN SUPPORT OF  
MAXELL, LTD.'S OPPOSITION TO 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, Clark Bakewell, 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 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 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 A is a true and correct excerpt from the Rebuttal Expert Report of Robert Maher Ph.D. Concerning Validity of U.S. Patent No. 6,928,306, served in this matter on June 4, 2020.

3. Attached as Exhibit B is a true and correct excerpt from the deposition of Robert C. Maher, Ph.D., taken in this matter on June 23, 2020.

4. Attached as Exhibit C is a true and correct excerpt from the Rebuttal Expert Report of Dr. Benjamin B. Bederson Regarding Non-Infringement of U.S. Patent Nos. 6,928,306 and 10,084,991, served in this matter on June 4, 2020.

5. Attached as Exhibit D is a true and 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 in this matter on May 14, 2020.

6. Attached as Exhibit E is a true and correct excerpt from the Rebuttal Expert Report of Michael C. Brogioli, Ph.D. Concerning Validity of U.S. Patent No. 6,329,794, served in this matter on June 11, 2020.

7. Attached as Exhibit F is a true and correct excerpt from Plaintiff Maxell, Ltd.'s Post-Trial Motions and Renewed Motion for Judgment as a Matter of Law filed August 7, 2018, as Dkt. 287 in the matter of Maxell Ltd. v. ZTE Corporation and ZTE USA Inc., No. 5:16-cv-00179-RWS..

8. Attached as Exhibit G is a true and correct excerpt from the Opening Expert Report of Dr. Benjamin B. Bederson Regarding Invalidity of U.S. Patent Nos. 6,928,306 and 10,084,991.

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 22, 2020 in Washington, D.C.

Dated: July 22, 2020

By: /s/ Clark S. Bakewell

Clark S. Bakewell