

**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. 6,748,317, 6,430,498, AND 6,580,999**

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. 6,748,317, 6,430,498, and 6,580,999. 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 October 18, 2019, deposition of Joseph A. Paradiso, Ph.D. taken in this matter.

3. Attached as Exhibit B is a true and correct excerpt from the Declaration of Dr. Joseph A. Paradiso in Support of Apple Inc.'s Proposed Claim Constructions, served in this matter on October 4, 2019.

4. Attached as Exhibit C is a true and correct highlighted copy of an article titled Cyberguide: A Mobile Context-Aware Tour Guide, by Gregory D. Abowd, Christopher G. Atkeson, Jason Hong, Sue Long, Rob Kooper and Mike Pinkerton, with bates stamps APL-MAXELL_00713087 - 107.

5. Attached as Exhibit D is a true and excerpt from the Opening Expert Report of Dr. Joseph A Paradiso Regarding Invalidity of U.S. Patent Nos. 6,748,317, 6,580,999, 6,430,498, served in this matter on May 7, 2020.

6. Attached as Exhibit E 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 in this matter on May 7, 2020.

7. Attached as Exhibit F is a true and correct excerpt from the Rebuttal Expert Report of Craig Rosenberg, Ph.D. Concerning Validity of U.S. Patent Nos. 6,748,317, 6,430,498, and 6,580,999, served in this matter on June 4, 2020.

8. Attached as Exhibit G is a true and correct excerpt from the NavTalk Owner's Manual and Reference Guide, with bates stamps APL-MAXELL_00713773.

9. Attached as Exhibit H is a true and correct excerpt from the June 15, 2020, deposition of Craig Rosenberg, Ph.D taken in this matter.

10. Attached as Exhibit I is a true and correct excerpt from the Claim Construction Memorandum and Order filed January 31, 2018, as Dkt. 175 in the matter of Maxell Ltd. v. ZTE Corporation and ZTE USA Inc., No. 5:16-cv-00179-RWS.

11. Attached as Exhibit J 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.

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