EXHIBIT 32
REDACTED

CONFIDENTIAL – ATTORNEYS' EYES ONLY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MAXELL, LTD., Plaintiff v. APPLE INC., Defendant.	NO. 5:19-cv-00036-RWS **JURY TRIAL DEMANDED**

DEFENDANT APPLE INC.'S TENTH SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF MAXELL, LTD.'S FIRST SET OF INTERROGATORIES (NOS. 1-9)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Apple Inc. ("Apple") submits the following objections and responses to Interrogatory Nos. 1-9 of Maxell, Ltd.'s ("Maxell's") First Set of Interrogatories ("Requests").

The following responses are based on information currently known to Apple. While Apple has undertaken a diligent investigation in responding to Maxell's Requests, Apple may need to modify, supplement, or amend these responses as more information becomes available. Apple anticipates that as this case proceeds, further information, documents, theories, and contentions may be discovered by Apple. Without in any way obligating itself to do so, Apple expressly reserves the right to modify, supplement, or amend any or all of these responses, as well as the right to use in discovery and at trial any information or documents omitted from these responses as a result of mistake, inadvertence, or oversight.

By these responses, Apple does not intend to waive, and does not waive, any objection to admitting these responses or any documents produced into evidence, in whole or in part. Rather,

[redacted]

INTERROGATORY 8:

If You contend that acceptable, non-infringing alternatives to the inventions claimed in the Patents-in-Suit have existed or exist, specifically describe each alternative, state when it

became available, describe in detail the basis for Your contention that it is non-infringing, and identify all Documents related to this contention.

RESPONSE TO INTERROGATORY 8 (Updated March 31, 2020):

Apple objects to this interrogatory to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, the common-interest privilege, Fed. R. Civ. P. 26(b)(4)(A), or any other privilege or immunity. Apple objects to this interrogatory as calling for a legal conclusion. Apple objects to this interrogatory as vague, ambiguous, overbroad, unduly burdensome, harassing, and incomprehensible, at least as to the phrase "acceptable, non-infringing alternatives." Apple objects to this interrogatory as premature in that it seeks Apple's contentions and analysis before Apple has completed its investigation and discovery related to non-infringement issues, before Apple has conducted expert discovery on non-infringement, before the parties have offered their claim construction positions, and before the Court has construed the claims of the Patents-in-Suit. Apple objects to this interrogatory as prematurely requesting discovery of expert witness testimony and opinions before the time for such disclosures set forth in this Court's Docket Control Order (D.I. 46, 232). *See, e.g.*, *Promethean Insulation Tech. LLC v. Sealed Air Corp.*, No. 2:13-cv-1113-JRG-RSP, 2015 WL 11027038, at *2 (E.D. Tex. Oct. 13, 2015) ("A party is not entitled to obtain early disclosure of expert opinions via interrogatory."); *Genband US LLC v. Metaswitch Networks Corp.*, Case No. 2:14-cv-00033-JRG-RSP, Dkt. No. 427 at 2 (E.D. Tex. January 8, 2016) ("In responding to interrogatories, a party is not required to disclose its experts' opinions in advance of the deadline for serving expert reports" (internal quotations and modifications omitted)); *Beneficial Innovations, Inc. v. AOL LLC*, Case No. 2:07-cv-555, Dkt. No. 260 at 1 (E.D. Tex. May 26, 2010). Apple further objects to this interrogatory on the basis that Maxell's

Interrogatory. In view of the Court's Order, Apple discloses the following possible non-infringing alternatives or substitutes for the claimed inventions of the asserted claims of the Asserted Patents that were available at least by the priority date of each respective Asserted Patent.

'317 Patent, Claims 1, 3, 13 and 17; '999 Patent, Claims 1-3; '498 Patent, Claims 3 and 13:

- One non-infringing alternative or substitute to the alleged invention is to perform the function of "getting location information denoting a present place of said portable terminal" using components other than the claimed structure for the means-plus-function term "a device for getting location information denoting a present place of said portable terminal," including, for example, performing said function without using "a wireless or cellular antenna, a GPS, a PHS, or the like; a data receiver; and a CPU for analyzing received data; or equivalents thereof."
- Another non-infringing alternative or substitute to the alleged invention is to perform the function of "getting a direction information denoting an orientation of said portable terminal" using components other than the claimed structure for the means-plus-function term "a device for getting a direction information denoting an orientation of said portable terminal," including, for example, by detecting direction information using GPS data.
- Another non-infringing alternative or substitute to the alleged invention is to perform the functions of "getting a location information of another portable terminal … via a connected network" and "retrieving a route from said present place to said destination" using components other than the claimed structure for the means-plus-function terms "a device for [getting a location information of another portable terminal … / retrieving a

DOCKET ALARM

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.