

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

MAXELL, LTD.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Civil Action No. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

**DECLARATION OF LUANN L. SIMMONS IN SUPPORT OF APPLE INC.'S REPLY IN
SUPPORT OF ITS MOTION TO EXCLUDE THE TESTIMONY
OF ROBERT L. STOLL (D.I. 357)**

I, Luann L. Simmons, hereby declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, counsel for Apple, Inc. ("Apple") in this matter filed by Maxell, Ltd. ("Maxell"). I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. Attached as **Exhibit 4** is a true and correct copy of excerpts from the deposition transcript of Robert L. Stoll, taken on June 18, 2020.

3. Attached as **Exhibit 5** is a true and correct copy of from Ask Yale Library entitled "Q. What does "non-circulating" mean?", dated April 7, 2020, as retrieved from Yale University Library's website: <https://ask.library.yale.edu/faq/175310>.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California, on this 22nd day of July, 2020.

/s/ Luann L. Simmons

Luann L. Simmons