EXHIBIT 10

CONFIDENTIAL - ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

MAXELL, LTD.,		
	Plaintiff,	Case No. 5:19-cv-00036-RWS
v.		
APPLE INC.,		
	Defendant.	

EXPERT REPORT OF ROBERT L. STOLL



CONFIDENTIAL - ATTORNEYS' EYES ONLY

Table of Contents

I. INTRODU	ICTION	1
	OUND AND QUALIFICATIONS, PREVIOUS TESTIMONY AND NSATION	1
A.	Background and Qualifications	1
B.	Prior Testimony	5
C.	Compensation	5
III. MATERI	IALS AND INFORMATION CONSIDERED	5
IV. PARTS (OF A PATENT APPLICATION	<i>6</i>
A.	Specification and Claims	<i>6</i>
В.	Prosecution or File History	10
V. EXAMIN	ATION OF PATENT APPLICATIONS IN THE U.S. PATENT OFFICE	10
A.	The Basis of the United States Patent System	10
В.	Conditions of Patentability	15
1.	Prior Knowledge, Use, or Sale Must Be Public and In The United States	16
2. Evide	Public Knowledge or Use Must Be Sufficiently Shown By Clear and Convincence	
3.	Publications Must Be Publicly Disseminated and Accessible	18
C.	The U.S. Patent and Trademark Office	19
D.	Examining Patent Applications	19
1.	Office Actions	20
2.	Applicants' Reply and Examiner's Response	20
3.	Information Disclosure Statements (IDS)	22
4.	Allowance	22
5.	Claim Construction	23
VI. POST GI	RANT PROCEEDINGS	30



CONFIDENTIAL - ATTORNEYS' EYES ONLY

VII. RESPONSE TO DR. PARADISO'S OPINIONS WITH RESPECT TO CYBERGUIDE/ABOWD	36
A. DR. PARADISO OR MR. MUNFORD HAVE NOT SHOWN BY CLEAR AND CONVINCING EVIDENCE THAT THE CYBERGUIDE/ABOWD ARTICLE WAS PUBLISHED/PUBLICLY ACCESSIBLE	
1. The University of Pittsburgh Exhibits Are Insufficient	38
2. The Carnegie Mellon University Exhibits Are Insufficient to Prove Public Accessibility	12
B. DR. PARADISO HAS NOT SHOWN BY CLEAR AND CONVINCING EVIDENCE THAT ANY CYBERGUIDE/ABOWD PROTOTYPE WAS PUBLICLY KNOWN OR USED	46
Dr. Paradiso Does Not Specify By Clear and Convincing Evidence What Cyberguide Prototype Was Relied On As Prior Art	1 7
Dr. Paradiso Does Not Show By Clear and Convincing Evidence That Any Cyberguide Prototype Was Publicly Known or Used	52
VIII. RESPONSE TO DR. PARADISO'S OPINIONS WITH RESPECT TO GARMIN NAVTALK	57
IX. RESPONSE TO DR. BOVIK'S OPINIONS WITH RESPECT TO SONY MVC-FD83 CAMERA AND SONY MVC-FD88 CAMERA	73
A. Dr. Bovik Has Not Shown That the Specific Cameras He Relied Upon Were Available in the United States Prior to January 11, 2000	74
B. Dr. Bovik Uses Inconsistent, Unreliable Information to Attempt to Show Public Availability of the Sony MVC Cameras in the United States Prior to January 11, 2000. 7	79
X. TRIAL EXHIBITS	31
XI SUPPLEMENTATION	22



CONFIDENTIAL – ATTORNEYS' EYES ONLY

I. <u>INTRODUCTION</u>

1. I, Robert L. Stoll, have been retained by Maxell, Ltd. to provide expert analysis and testimony, including with respect to United States patent practice and procedures generally, and specifically as they relate to the products and printed matter in question, and the patents-in-suit¹ and related patents. If called to be a witness at trial, I may testify regarding the subject matter outlined below.

II. <u>BACKGROUND AND QUALIFICATIONS, PREVIOUS TESTIMONY AND COMPENSATION</u>

A. Background and Qualifications

- 2. I am employed by the law firm Faegre Drinker Biddle & Reath LLP, located at 1500 K St NW Ste. 1100, Washington, DC 20005, and have been asked to testify as an expert witness on behalf of Maxell, Ltd. If called to testify as to the matters stated herein, I could and would do so competently. My *curriculum vitae*, which includes the list of publications that I have authored, is attached hereto as Appendix A.
- 3. I completed my undergraduate studies at University of Maryland in December 1979 with a B.S. degree in Chemical Engineering. I attended the Catholic University of America, receiving my Juris Doctor in 1985. I am a member of the Maryland State Bar, and the Bar of the District of Columbia. I am registered to practice as a patent attorney before the U.S. Patent and Trademark Office.

¹ The patents in suit and their respective priority dates (at least) are: U.S. Patent Nos. 6,748,317 on July 12, 1999 (the "'317 Patent"), 6,580,999 on July 12, 1999 (the "'999 Patent"), 8,339,493 on Jan. 11, 2000 (the "'493 Patent"), 7,116,438 on May 22, 2003 (the "'438 Patent"), 6,408,193 on Nov. 10, 1998 (the "'193 Patent"), 10,084,991 on Sep. 25, 2008 (the "'991 Patent"), 6,928,306 on Jan. 7, 2000 (the "'306 Patent"), 6,329,794 on May 22, 2000 (the "'794 Patent"), 10,212,586 on May 23, 2012 (the "'586 Patent"), 6,430,498 on Jul. 12, 1999 (the "'498 Patent").



DOCKET

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.

