

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 XIN-YI ZHOU IN SUPPORT OF  
DEFENDANT APPLE INC.'S REPLY IN SUPPORT OF ITS DAUBERT MOTION TO  
EXCLUDE CONCLUSORY TESTIMONY AND OPINIONS OF MAXELL'S EXPERTS  
RELATING TO DOCTRINE OF EQUIVALENTS AND SOURCE CODE**

I, Xin-Yi Zhou, 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 10** is a true and correct copy of an excerpt from the Rebuttal Expert Report of Michael C. Brogioli, Ph.D. Concerning Validity of U.S. Patent No. 6,329,794, dated June 11, 2020.

I declare under the penalty of perjury that the foregoing is true and correct. Executed in Los Angeles, California, on this 23rd day of July, 2020.

/s/ Xin-Yi Zhou

Xin-Yi Zhou