

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

MAXELL, LTD.,

Plaintiff

v.

APPLE INC.,

Defendant.

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

JURY TRIAL DEMANDED

**DECLARATION OF MARK LIANG IN SUPPORT OF APPLE INC.'S REPLY BRIEF
IN SUPPORT OF 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, Mark Liang, declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, counsel for Defendant Apple Inc. ("Apple") in this matter instituted by Plaintiff Maxell, Ltd. ("Maxell"). I am a member in good standing of the State Bar of California and have been admitted to practice before this Court. The statements below are based on personal knowledge and/or investigation of the facts stated herein and if called to testify could competently testify to their substance.

2. Attached as Exhibit N is a true and correct copy of an Order from *IDB Ventures LLC v. Charlotte Russe Holdings, Inc.*, No. 5:17-cv-660-WCB-RSP (E.D. Tex.), issued on October 31, 2018.

3. Attached as Exhibit O is a true and correct copy of excerpts from the Rebuttal Expert Report Of Craig Rosenberg, Ph.D. Concerning Validity Of U.S. Patent Nos. 6,748,317, 6,580,999, 6,430,498, dated June 4, 2020.

4. Attached as Exhibit P is a true and correct copy of excerpts from the file history of the '317 Patent, specifically a terminal disclaimer filed on December 4, 2003, and produced in this action as MAXELL_APPLE0000858.

5. Attached as Exhibit Q is a true and correct copy of excerpts from the file history of the '999 Patent, specifically a terminal disclaimer filed on January 13, 2003, and produced in this action as MAXELL_APPLE0000732.

6. Attached as Exhibit R is a true and correct copy of excerpts from the transcript from Dr. Craig Rosenberg's deposition, taken on June 15, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed July 29, 2020, in San Francisco, California.

/s/ Mark Liang

Mark Liang