EXHIBIT O

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

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

REBUTTAL EXPERT REPORT OF CRAIG ROSENBERG, PH.D. CONCERNING VALIDITY OF U.S. PATENT NOS. 6,748,317, 6,430,498, AND 6,580,999

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650. Accordingly, secondary considerations further support that the claims at issue here are not obvious.

F. <u>Additional Potential Grounds</u>

651. It is my understanding that Apple was required to elect a certain number of prior art reference and combinations to for its invalidity case and elected the following grounds:

The '317, '498, and '999 Patents:

1. The CyberGuide system ("CyberGuide")[1] in combination with U.S. Patent No. 6,067,502 to Hayashida et al. ("Hayashida").
2. Hayashida in combination with Japanese Patent Publication No. JPH10-197277 to Maruyama et al. ("Maruyama")[2].
3. The Garmin NavTalk system ("NavTalk") in combination with Hayashida.
4. NavTalk in combination with Maruyama.

Apple's Final Election of Prior Art, April 7, 2020

652. Dr. Paradiso has presented these grounds and I have addressed/rebutted each one of these grounds. Nevertheless, Dr. Paradiso also states in his report that "all of the Asserted Claims of the Asserted Patents are invalid as being either anticipated, or rendered obvious by the prior art references, in combination with the knowledge of one of ordinary skill, as discussed below in this Report." Paradiso Inv. Rep. ¶27. It is my understanding that Dr. Paradiso is not allowed to and/or has not set forth any invalidity grounds based on anticipation.

653. Nevertheless, to the extent Dr. Paradiso asserts that any of the prior art anticipates a particular claim, it is my opinion that this prior art will not anticipate the claims or the same reasons as noted above with respect to non-obviousness.

654. Further, to the extent that Dr. Paradiso relies on Maruyama as an anticipation reference as or as a preliminary reference, I note that Maruyama also has significant deficiencies as note about and would not anticipate and/or render obvious the asserted claims for the '317/'999/'498 patents for the reasons discussed above.

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