

**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

JURY TRIAL DEMANDED

PUBLIC VERSION

**DECLARATION OF BRYAN NESE IN SUPPORT OF
MAXELL, LTD.'S REPLY REGARDING ITS MOTION FOR PARTIAL SUMMARY
JUDGMENT OF NO INVALIDITY OF U.S. PATENT NO. 8,339,493**

I, Bryan Nese, hereby declare and state as follows:

1. I am an attorney at Mayer Brown LLP, counsel for Plaintiff Maxell, Ltd. (“Maxell”) in the above-captioned lawsuit. I submit this declaration in support of Maxell’s Reply Regarding to its Motion for Partial Summary Judgment of No Invalidity of U.S. Patent No. 8,339,493. I have personal knowledge of the statements herein, and, if called to do so, I could and would testify competently as to the same.

2. Attached as Exhibit 12 is a true and correct copy of Apple’s Reply to Patent Owner Preliminary Response, filed July 20, 2020, in the ’493 Patent IPR Proceeding.


3. Attached as Exhibit 13 are true and correct excerpts from the Rebuttal Expert Report of Vijay Madisetti, Ph.D., Concerning Validity of U.S. Patent No. 8,339,493, served June 4, 2020, in this proceeding.

4. Attached as Exhibit 14 are true and correct excerpts from the Expert Report of Robert L. Stoll, served June 4, 2020, in this proceeding.

5. These exhibits have been edited to add highlighting and to remove the none-cited portions for the Court's convenience. Apart from those alterations, none of the exhibits have been further modified.

I declare under penalty of perjury that the above is true and correct and that this declaration was executed on July 30, 2020, in Washington, DC.

Dated: July 30, 2020



Bryan Nese