

**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 TIFFANY A. MILLER IN SUPPORT OF
MAXELL, LTD.'S SUR-REPLY IN OPPOSITION TO APPLE INC.'S *DAUBERT*
MOTION TO EXCLUDE THE OPINIONS AND TESTIMONY OF PLAINTIFF'S
DAMAGES EXPERT MS. CARLA MULHERN**

I, Tiffany A. Miller, 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 Sur-Reply in Opposition to Apple Inc.'s *Daubert* Motion to Exclude the Opinions and Testimony of Plaintiff's Damages Expert Ms. Carla Mulhern. 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 33 are true and correct excerpts from the Initial Expert Reports of Maxell's Technical Experts Concerning Apple's Infringement relating to the experts' analyses of Apple's alleged non-infringing alternatives.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that this Declaration was executed on July 30, 2020 in Washington, D.C.

Dated: July 30, 2020

By:

A handwritten signature in black ink, appearing to read 'Tiffany A. Miller', written over a horizontal line.

Tiffany A. Miller