

# EXHIBIT 8

**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**

**PLAINTIFF MAXELL, LTD.’S  
PATENT RULE 3-1 AND 3-2 DISCLOSURE OF ASSERTED CLAIMS  
AND INFRINGEMENT CONTENTIONS AGAINST DEFENDANT APPLE INC.**

Pursuant to Patent Rules (“P.R.”) 3-1 and 3-2, Plaintiff Maxell, Ltd. (“Maxell”) hereby serves its Disclosure of Asserted Claims and Infringement Contentions and accompanying disclosure against Defendant Apple Inc. (“Defendant” or “Apple”).

These contentions are based on information reasonably available to Maxell at this time. Maxell’s investigation of the facts relevant to this case is ongoing, discovery has not yet begun, and the Court has not yet construed the claims. Further, important information about many or all of Apple’s products is not publicly available, including information relevant to the patents-in-suit and these Infringement Contentions. Accordingly, Maxell reserves the right to modify and/or supplement these disclosures as information becomes available, based on the Court’s claim constructions, and/or based on positions taken by Apple.

**A. P.R. 3-1(a): Identification of Asserted Claims**

Pursuant to P.R. 3-1(a) and based on the information presently available, Maxell incorporates herein by reference the identification of asserted claims set forth in its Complaint (*see* Dkt. No. 1) and in the attached Appendices 1-10. Maxell further discloses the following claims of each patent-in-suit that it contends are infringed (directly and/or indirectly, literally and/or under the doctrine of equivalents) by Apple, through its manufacture, use, sale, offer for sale, and/or importation into the United States of the Accused Instrumentalities:

U.S. Patent 6,748,317 (“the ’317 Patent”): claims 1-3, 5-15, 17, and 18;

U.S. Patent 6,580,999 (“the ’999 Patent”): claims 1-6;

U.S. Patent 8,339,493 (“the ’493 Patent”): claims 1, 3-6, 10, and 11;

U.S. Patent 7,116,438 (“the ’438 Patent”): claims 1-7;

U.S. Patent 6,408,193 (“the ’193 Patent”): claims 1, 6, and 7;

U.S. Patent 10,084,991 (“the ’991 Patent”): claims 1-5 and 8-12;

U.S. Patent 6,928,306 (“the ’306 Patent”): claims 2, 5, 6, and 12-15;

U.S. Patent 6,329,794 (“the ’794 Patent”): claims 1-3 and 5-14;

U.S. Patent 10,212,586 (“the ’586 Patent”): claims 1-2, 6-7, 9-10, 13-14, and 16-18; and

U.S. Patent 6,430,498 (“the ’498 Patent”): claims 1, 3-5, 7-11, and 13.

Maxell expressly reserves the right to modify, amend and/or supplement the foregoing in light of new information made available to Maxell, based on the Court’s claim construction, or based on positions taken by Apple.

**B. P.R. 3-1(b): Identification of Accused Instrumentalities**

Pursuant to P.R. 3-1(b) and based on the information presently available, Maxell incorporates herein by reference the identification of Accused Instrumentalities set forth in the

Claims 1, 3-5, 7-11, and 13 of the '498 Patent recite functionality that is implemented by using a combination of hardware and software. Thus, Maxell intends to supplement its infringement contentions after Apple and/or third parties produce adequate source code for each of the products accused of infringing the '498 Patent.

**H. Document Production Accompanying Disclosure**

Pursuant to P.R. 3-2, Maxell hereby discloses the following documents accompanying its Disclosure of Asserted Claims and Infringement Contentions that correspond to the following categories:

P.R. 3-2(a): Based on its reasonable search and investigation, Maxell states that it does not have any documents that fall within this category.

P.R. 3-2(b): Based on its reasonable search and investigation, Maxell states that it does not have any documents that fall within this category.

P.R. 3-2(c): A copy of the file histories is being produced concurrently herewith at Bates Nos. MAXELL\_APPLE0000001 through MAXELL\_APPLE0002744.

Dated: June 12, 2019

By: /s/ Jamie B. Beaber

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