

# EXHIBIT L

**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**

**APPLE'S PRELIMINARY ELECTION OF PRIOR ART**

Pursuant to the Court's Order Focusing Patent Claims and Prior Art to Reduce Costs (D.I. 44) and Docket Control Order (D.I. 46), Defendant Apple Inc. ("Apple") hereby discloses its Preliminary Election of Prior Art for the elected claims of U.S. Patent Nos. 6,329,794 ("794 patent"), 6,408,193 ("193 patent"), 6,430,498 ("498 patent"), 6,580,999 ("999 patent"), 6,748,317 ("317 patent"), 6,928,306 ("306 patent"), 7,116,438 ("438 patent"), 8,339,493 ("493 patent"), 10,212,586 ("586 patent"), and 10,084,991 ("991 patent") (collectively, the "Asserted Patents") disclosed by Plaintiff Maxell, Ltd. ("Maxell").

Apple's election of prior art is preliminary in nature and based only upon Apple's knowledge at this time. Apple expressly reserves the right to amend its election of prior art, subject to and in accordance with this Court's Local Rules and any Orders issued by this Court.

Maxell's Infringement Contentions wholly fail to put Apple on notice of Plaintiff's theories of infringement for reasons set forth in, for example, Apple's Motion to Compel Compliant Infringement Contentions under P.R. 3-1(g) (D.I. 123). As of the date of this

disclosure, Apple has yet to receive infringement contentions compliant with the local Patent Rules that set forth Maxell's infringement theories with respect to the source code produced by Apple. Thus, Apple's preliminary election of prior art is based on information known to date, including Apple's current understanding of Maxell's deficient infringement contentions. Apple reserves the right to amend its election of prior art as appropriate, including in response to any amendments and/or supplement to Maxell's Infringement Contentions. Apple also reserves the right to amend its election of prior art in view of additional information and/or documents obtained through such discovery, including, for example, any information indicating that any Asserted Patent is not entitled to the priority date asserted by Maxell in its P.R. 3-1 disclosures.

### **Preliminary Election of Prior Art**

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

1. U.S. Patent No. 5,781,150 to Norris ("Norris").
2. U.S. Patent No. 6,067,502 to Hayashida et al. ("Hayashida").
3. Japanese Patent No. JPH05-264711 ("Yokoyama" or the "'711 Patent").
4. Japanese Patent Publication No. JPH09-311625 to Ikeda ("Ikeda").
5. Japanese Patent Publication No. JPH10-197277 to Maruyama et al. ("Maruyama").
6. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to the CyberGuide system ("CyberGuide"), as well as documents describing CyberGuide, including Cyberguide: A Mobile Context-Aware Tour Guide by Abowd et al. ("Abowd"), published on September 29, 1998.<sup>1</sup>
7. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to the Garmin NavTalk

---

<sup>1</sup> The Court's Focusing Order specifies that "a prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference." D.I. 44 at 1 n. 1.

(“NavTalk”), as well as documents describing NavTalk.

**The '493 Patent:**

8. U.S. Patent No. 5,444,482 (“Misawa ’482”).
9. U.S. Patent No. 5,502,483 (“Takase ’483”).
10. U.S. Patent No. 6,018,363 (“Horii ’363”).
11. U.S. Patent No. 6,563,535 (“Anderson ’535”).
12. U.S. Patent No. 7,903,162 (“Juen ’162”).<sup>2</sup>
13. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to the Casio QV-8000SX digital camera (“Casio QV-8000SX”) as well as documents describing the Casio QV-8000SX.<sup>3</sup>
14. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to the Sony MVCFD83/FD88 digital camera (“MVCFD83”) as well as documents describing the MVCFD83.

**The '794 Patent:**

15. U.S. Patent No. 5,870,685 (“Flynn ’685”).
16. U.S. Patent No. 6,363,266 to Nonogaki (“Nonogaki”).
17. Japanese Patent App. Pub. No. H10-289038 to Hikishima (“Hikishima”).
18. Japanese Utility Model Publication No. U306314 to Tagoshi (“Tagoshi”).
19. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to the Ericsson T28s cellular phone (the “T28s”) as well as documents describing the T28s.

---

<sup>2</sup> To the extent Maxell contests the prior art status of Juen ’162, Apple also elects Japanese Patent Application Publication No. H10-108121, published on April 24, 1998 (“Juen ’121”), which was filed by the same inventor and contains the same disclosure as Juen ’162. The Court’s Focusing Order specifies that “closely related work of a single prior artist” counts as a single reference. D.I. 44 at 1 n. 1.

<sup>3</sup> Apple has filed a Motion for Leave to Supplement Its Invalidity Contentions to add Casio QV-8000SX. See D.I. 130. Should the Court deny Apple’s motion for leave, Apple elects U.S. Patent No. 6,335,760 (“Sato ’760”) instead of Casio QV-8000SX as prior art item 13.

**The '193 Patent:**

20. U.S. Patent No. 5,548,616 (“Mucke ’616”).
21. U.S. Patent No. 6,118,988 (“Choi ’988”).
22. U.S. Patent No. 6,236,863 (“Waldroup ’863”).
23. Japanese Patent Application Publication No. H10-285059 (“Nakayama ’059”).

**The '306 Patent:**

24. U.S. Patent No. 4,330,780 (“Masaki ’780”).
25. U.S. Patent No. 6,122,347 (“Borland ’347”).
26. U.S. Patent No. 6,763,105 (“Miura ’105”).
27. International Patent Publication No. WO 1996/027974 (“Van der Salm ’974”).
28. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to CIDney Voice Announce Systems (“CIDney Voice Announce Systems”) as well as documents describing the CIDnev Voice Announce Systems.
29. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to Nokia Model 8860 (“Nokia 8860”) as well as documents describing the Nokia 8860.

**The '991 Patent:**

30. U.S. Patent No. 7,565,680 (“Asmussen ’680”).
31. U.S. Patent No. 7,956,849 (“Anzures ’849”).
32. U.S. Patent Application Publication No. 2003/0041333 (“Allen ’333”).
33. U.S. Patent Application Publication No. 2007/0139514 (“Marley ’514”).
34. U.S. Patent Application Publication No. 2008/0062965 (“Silva ’965”).
35. Products, components, systems, and methods invented, designed, developed, reduced to practice, and/or in public use or on sale related to the D-Link i2eye DVC-1000 (“D-Link”) as well as documents describing the D-Link.

**The '438 Patent:**

36. U.S. Patent No. 7,136,999 (“Griffiths ’999”).

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.