

**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**

---

**JOINT STIPULATION REGARDING REPRESENTATIVE PRODUCTS FOR TRIAL**

Plaintiff Maxell, Ltd. and Defendant Apple Inc. enter this Joint Stipulation Regarding Representative Products for Trial (“Stipulation”) pursuant to the Court’s Order regarding narrowing issues for trial (Dkt. No. 619). Maxell and Apple hereby stipulate and agree as follows:

1. This Stipulation and the information it contains will be used only for purposes of narrowing the issues for trial in this case and shall not be used for any other purpose in any such other proceeding, and shall not be binding on Apple, Maxell, or any other party for any other purpose or in any other judicial or administrative proceeding.<sup>1</sup> Neither Apple nor Maxell waive the right to object to the admissibility of this Stipulation in any other proceeding.

2. This Stipulation does not constitute, and will not be offered or construed as, any admission by Apple that it is liable for patent infringement under 35 U.S.C. § 271, which Apple specifically denies. Nothing in this Stipulation shall be construed as an admission by Apple that the products identified in this Stipulation infringe any claim of U.S. Patent Nos. 6,748,317 (the

---

<sup>1</sup> Maxell and Apple dispute what, if anything, will be presented to the jury regarding the stipulation, and the parties intend to raise the issue at the pretrial conference.

“’317 Patent”), 6,580,999 (the “’999 Patent”), 8,339,493 (the “’493 Patent”), 7,116,438 (the “’438 Patent”), 6,329,794 (the “’794 Patent”), and 6,430,498 (the “’498 Patent”) (collectively the “Asserted Patents”).

3. Representative Products for the ’317 Patent. With respect to the ’317 patent, Maxell accuses of infringement certain iPhones (models iPhone 5c (A1456/A1532), iPhone 5s (A1453/A1533), iPhone 6S (A1633/A1688), iPhone 6S Plus (A1634/A1687), iPhone SE (A1723/A1662), iPhone 6 (A1549/A1586), iPhone 6 Plus (1522/1524), iPhone 7 (A1660/A1778), iPhone 7 Plus (A1661/A1784), iPhone 8 (A1863/A1905), iPhone 8 Plus (A1864/A1897), iPhone X (A1865/A1901), iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone 11 (A2111), iPhone 11 Pro (A2160), iPhone 11 Pro Max (A2161)), iPads (models iPad Air (A1475), iPad mini 2 (A1490), iPad Air 2 (A1567), iPad Air 3 (A2123/A2153), iPad mini 3 (A1600), iPad mini 4 (A1550), iPad mini 5 (A2124/A2126), iPad Pro (A1709), iPad Pro (A1652), iPad Pro (A1674/A1675), iPad Pro (A2013), iPad 5th generation (A1823), iPad 6th generation (A1954), iPad 7th generation (A2200/A2198), iPad Pro (2nd generation) (A1671), iPad Pro (3rd generation) (A2014/A1895)), and the Apple Watch Series 5 (model numbers A2092, A2093, A2094, A2095). For purposes of Maxell’s allegations of infringement of the ’317 patent only, Maxell and Apple agree that, with respect to the structure, function, and operation of the accused products:

- a. The iPhone 11 executing iOS 13 (A2111) is representative of all iPhones accused of infringing the ’317 patent;
- b. The iPad 7<sup>th</sup> Generation executing iOS 13 (A2200) is representative of all iPads accused of infringing the ’317 patent; and

- c. The Apple Watch 5 executing (watchOS 6) (A2094) is representative of all Apple Watches accused of infringing the '317 patent.

4. Representative Products for the '498 Patent. With respect to the '498 patent, Maxell accuses of infringement certain iPhones (models iPhone 5c (A1456/A1532), iPhone 5s (A1453/A1533), iPhone 6S (A1633/A1688), iPhone 6S Plus (A1634/A1687), iPhone SE (A1723/A1662), iPhone 6 (A1549/A1586), iPhone 6 Plus (1522/1524), iPhone 7 (A1660/A1778), iPhone 7 Plus (A1661/A1784), iPhone 8 (A1863/A1905), iPhone 8 Plus (A1864/A1897), iPhone X (A1865/A1901), iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone 11 (A2111), iPhone 11 Pro (A2160), iPhone 11 Pro Max (A2161)) and iPads (models iPad Air (A1475), iPad mini 2 (A1490), iPad Air 2 (A1567), iPad Air 3 (A2123/A2153), iPad mini 3 (A1600), iPad mini 4 (A1550), iPad mini 5 (A2124/A2126), iPad Pro (A1709), iPad Pro (A1652), iPad Pro (A1674/A1675), iPad Pro (A2013), iPad 5th generation (A1823), iPad 6th generation (A1954), iPad 7th generation (A2200/A2198), iPad Pro (2nd generation) (A1671), iPad Pro (3rd generation) (A2014/A1895)). For purposes of Maxell's allegations of infringement of the '498 patent only, Maxell and Apple agree that, with respect to the structure, function, and operation of the accused products:

- a. The iPhone 11 executing iOS 13 (A2111) is representative of all iPhones accused of infringing the '498 patent; and
- b. The iPad 7<sup>th</sup> Generation executing iOS 13 (A2200) is representative of all iPads accused of infringing the '498 patent.

5. Representative Products for the '999 Patent. With respect to the '999 patent, Maxell accuses of infringement certain iPhones (models iPhone 6S (A1633/A1688), iPhone 6S Plus (A1634/A1687), iPhone SE (A1723/A1662), iPhone 7 (A1660/A1778), iPhone 7 Plus

(A1661/A1784), iPhone 8 (A1863/A1905), iPhone 8 Plus (A1864/A1897), iPhone X (A1865/A1901), iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone 11 (A2111), iPhone 11 Pro (A2160), iPhone 11 Pro Max (A2161)) and iPads (models iPad Air 3 (A2123/A2153), iPad mini 4 (A1550), iPad mini 5 (A2124/A2126), iPad Pro (A1709), iPad Pro (A1652), iPad Pro (A1674/A1675), iPad Pro (A2013), iPad 5th generation (A1823), iPad 6th generation (A1954), iPad 7th generation (A2200/A2198), iPad Pro (2nd generation) (A1671), iPad Pro (3rd generation) (A2014/A1895)), and the Apple Watch Series 5 (model numbers A2092, A2093, A2094, A2095). For purposes of Maxell's allegations of infringement of the '999 patent only, Maxell and Apple agree that, with respect to the structure, function, and operation of the accused products:

- a. The iPhone 11 executing iOS 13 (A2111) is representative of all iPhones accused of infringing the '999 patent;
- b. The iPad 7<sup>th</sup> Generation executing iOS 13 (A2200) is representative of all iPads accused of infringing the '999 patent; and
- c. The Apple Watch 5 executing (watchOS 6) (A2094) is representative of all Apple Watches accused of infringing the '999 patent.

6. Representative Products for the '493 Patent. With respect to the '493 patent, Maxell accuses of infringement certain iPhones (models iPhone 11 (A2111), iPhone 11 Pro (A2160), iPhone 11 Pro Max (A2161), iPhone Xs (A1920), iPhone Xs Max (A1921), iPhone XR (A1984), iPhone X (A1865/A1901), iPhone 8 Plus (A1864/A1897), iPhone 8 (A1863/A1905), iPhone 7 Plus (A1661/A1784), iPhone 7 (A1660/A1778), iPhone 6s Plus (A1634/A1687), iPhone 6s (A1633/A1688), iPhone 6 Plus (A1522/A1524), iPhone 6 (A1549/A1586), iPhone SE (A1723/A1662), iPhone 5s (A1453/A1533/A1457/A1518/ A1528/A1530), iPhone 5c

(A1456/A1532)). For purposes of Maxell's allegations of infringement of the '493 patent only, Maxell and Apple agree that, with respect to the structure, function, and operation of the accused products:

- a. The iPhone 8 executing iOS 11 (A1863/A1905) is representative of all iPhones accused of infringing the '493 patent.

7. Representative Products for the '794 Patent. With respect to the '794 patent, Maxell accuses of infringement certain iPhones (models iPhone 11 (A2111), iPhone 11 Pro (A2160), iPhone 11 Pro Max (A2161), iPhone XS (A1920), iPhone XS Max (A1921), iPhone XR (A1984), iPhone X (A1865/A1901), iPhone 8 Plus (A1864/A1897), iPhone 8 (A1863/A1905), iPhone 7 Plus (A1661/A1784), iPhone 7 (A1660/A1778), iPhone 6s Plus (A1634/A1687), iPhone 6s (A1633/A1688), iPhone 6 Plus (A1522/A1524), iPhone 6 (A1549/A1586), iPhone SE (A1723/A1662), iPhone 5S (A1453/A1533), iPhone 5C (A1456/A1532)), iPads (models iPad Air (A1474/A1475), iPad mini 2 (A1489/A1490), iPad Air 2 (A1566/A1567), iPad mini 3 (A1599/A1600), iPad mini 4 (A1538/A1550), iPad Pro (A1701/A1709), iPad Pro (A1584/A1652), iPad Pro (A1673/A1674/A1675), iPad Pro (A1980/A2013), iPad (5th generation) (A1822/A1823), iPad (6th generation) (A1893/A1954), iPad 7th generation (A2200/A2198/A2197), iPad Pro (2nd generation) (A1670/A1671), iPad Pro (3<sup>rd</sup> generation) (A1876/A2014/A1895), iPad Air 3 (A2152/A2123/A2153), iPad mini 5 (A2133/A2124/A2126)), the iPod Touch (models iPod Touch 5th Generation (A1509/A1421), iPod Touch 6th Generation (A1574), and iPod Touch 7th Generation (A2178)), and the Apple Watch (models Apple Watch Series 5 (A2092/A2093/A2094/A2095), Apple Watch Series 4 (A1975/A1976/A1977/A1978), Apple Watch Series 3 (A1860/A1861/A1858/A1859), Apple Watch Series 2 (A1757/A1758/A1816/A1817), Apple Watch Series 1 (A1802/A1803), and

# 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.