

# EXHIBIT 2



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
90/014,661	01/27/2021	6580999	2638-19.09	1060				
177632	7590	02/26/2021	<table border="1"> <tr> <td colspan="2">EXAMINER</td> </tr> <tr> <td colspan="2">TARAE, CATHERINE MICHELLE</td> </tr> </table>		EXAMINER		TARAE, CATHERINE MICHELLE	
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BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			<table border="1"> <tr> <td>ART UNIT</td> <td>PAPER NUMBER</td> </tr> <tr> <td colspan="2">3992</td> </tr> </table>		ART UNIT	PAPER NUMBER	3992	
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02/26/2021	PAPER							

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/014,661 .

PATENT UNDER REEXAMINATION 6580999 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

<b>Order Granting Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/014,661	<b>Patent Under Reexamination</b> 6580999	
	<b>Examiner</b> C. M TARAE	<b>Art Unit</b> 3992	<b>AIA (FITF) Status</b> No

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

The request for *ex parte* reexamination filed 01/27/2021 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)  PTO-892, b)  PTO/SB/08, c)  Other: \_\_\_\_\_

1.  The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/CATHERINE M TARAE/  
Primary Examiner, Art Unit 3992

cc:Requester ( if third party requester )

Control Number: 90/014,661  
Art Unit: 3992

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### **DECISION ON REQUEST FOR *EX PARTE* REEXAMINATION**

The present application is being examined under the pre-AIA first to invent provisions.

A substantial new question (SNQ) of patentability affecting claims 1 and 3 of U.S. Pat. No. 6,580,999 to Maruyama et al. (“the ‘999 Patent”) is raised by the Request for *Ex Parte* reexamination filed January 27, 2021 (“Request”).

Reexamination is granted for claims 1 and 3.

#### ***Concurrent Proceedings***

The ‘999 Patent is the subject in *Maxell Ltd. v. Apple Inc.*, No. 5:10-cv-0036 (E.D. Texas), currently open. The ‘999 Patent is also the subject in pending Reexamination 90/014,640. The ‘999 Patent was the subject in IPR2020-00409, where institution was denied.

#### ***References Asserted by Requester as Raising SNQs of Patentability***

- JPH07-280583 to Suzuki et al. published October 27, 1995 and filed on April 13, 1994 (“Suzuki”). Suzuki qualifies as prior art under at least 35 USC 102(b).
- JPH10-170301 to Nozaka et al. published June 26, 1998 and filed on December 9, 1996 (“Nozaka”). Nozaka qualifies as prior art under at least 35 USC 102(b).

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