

EXHIBIT 3



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/014,640	12/23/2020	6580999	2638-19.05	1042
24956	7590	01/21/2021	EXAMINER	
MATTINGLY & MALUR, PC 1800 DIAGONAL ROAD SUITE 210 ALEXANDRIA, VA 22314			TARAE, CATHERINE MICHELLE	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			01/21/2021 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. 90/014,640 .

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)).

Order Granting Request For Ex Parte Reexamination	Control No. 90/014,640	Patent Under Reexamination 6580999	
	Examiner C. M TARAE	Art Unit 3992	AIA (FITF) Status No

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

The request for *ex parte* reexamination filed 12/23/2020 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.

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cc:Requester (if third party requester)

Application/Control Number: 90/014,640
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 December 23, 2020.

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-RWS.

References Asserted by Requester as Raising SNQs of Patentability

- U.S. Patent No. 6,067,502 to Hayashida et al. (“Hayashida”)
- U.S. Patent No. 6,167,277 to Kawamoto (“Kawamoto”)
- JPH10-197277 to Maruyama et al. (“Maruyama”)

Prosecution History of the ‘999 Patent

Application 10/173,423 (‘423 Application) that matured into the ‘999 Patent was originally filed June 18, 2002. The ‘423 Application was a continuation of 09/613,634 filed July 11, 2000 and had a foreign priority to Japanese Patent No. 11-197010 filed July 12, 1999. The ‘423 Application was filed with a preliminary amendment that canceled claims 1-14 and added claims 15-20.

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