

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

**DECLARATION OF CLARK BAKEWELL IN SUPPORT OF PLAINTIFF
MAXELL, LTD.'S OPPOSITION TO APPLE INC.'S AMENDED
MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, Clark Bakewell, declare as follows.

1. I am an attorney with the law firm of Mayer Brown LLP. I am admitted to the bar of the State of Maryland. I am also admitted Pro Hac Vice to practice in the Eastern District of Texas. I represent Plaintiff Maxell, Ltd. in the above-captioned action.

2. I am submitting this declaration on behalf of Maxell in support of its Opposition to Apple Inc.'s Amended Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404 (Dkt. No. 57).

3. Attached as Exhibit 01 hereto is a true and correct copy of the November 2, 2012 hearing transcript from *Virnetx, Inc. v. Apple Inc.*, No. 6:10-cv-417 (E.D. Tex.) at pages 36-39.

4. Attached as Exhibit 02 hereto is a true and correct copy of the September 1, 2016 Fortune article titled *Where Apple Has Quietly Built Its Biggest Campus* accessed at <https://fortune.com/2016/09/01/apple-austin-campus/>.

5. Attached as Exhibit 03 hereto is a true and correct copy of the April 29, 2016 Statesman article titled *Documents: Apple has created over 2,000 Austin jobs since 2012*

accessed at <https://www.statesman.com/news/20160429/documents-apple-has-created-over-2000-austin-jobs-since-2012>.

6. Attached as Exhibit 04 hereto is a true and correct copy of the November 20, 2016 New York Times article titled *How Apple Empowers, and Employs, the American Working Class* accessed at <https://www.nytimes.com/2016/11/21/technology/how-apple-empowers-and-employs-the-american-working-class.html>.

7. Attached as Exhibit 05 hereto is a true and correct copy of the September 4, 2016 Statesman article titled *In Austin, Apple quietly booming, transforming tech sector's culture* accessed at <https://www.statesman.com/news/20160904/in-austin-apple-quietly-booming-transforming-tech-sectors-culture>.

8. Attached as Exhibit 06 hereto is a true and correct copy of the January 9, 2019 deposition transcript of Bodie P. Nash in the matter of *Uniloc USA, Inc. v. Apple Inc.* at pages 8, 59-60, and 133-134.

9. Attached as Exhibit 07 hereto is a true and correct copy of the January 8, 2019 deposition transcript of Kayla Christie in the matter of *Uniloc USA, Inc. v. Apple Inc.* at pages 8, 30, and 101-102.

10. Attached as Exhibit 08 hereto is a true and correct copy of the January 26, 2015 ZDNet article titled *Apple to rely on Samsung chips for iPhone, iPad into 2015* accessed at <https://www.zdnet.com/article/apple-still-depending-on-samsung-for-iphone-chips-as/>.

11. Attached as Exhibit 09 hereto is a true and correct copy of a list of Broadcom, Inc.'s locations accessed at <https://www.broadcom.com/company/contact#locations> on August 5, 2019.

12. Attached as Exhibit 10 hereto is a true and correct copy of a list of Flextronics' locations accessed at <https://flex.com/connect/global-locations> on August 22, 2019.

13. Attached as Exhibit 11 hereto is a true and correct copy of a list of Toshiba Memory America, Inc.'s locations accessed at <https://www.toshiba.com/tma/sales/offices.jsp?country=us&state=TX> on August 5, 2019.

14. Attached as Exhibit 12 hereto is a true and correct copy of a list of Qorvo, Inc.'s locations accessed at <https://www.qorvo.com/careers/locations> on August 5, 2019.

15. Attached as Exhibit 13 hereto is a true and correct copy of a list of NXP Semiconductors N.V.'s locations accessed at <https://www.nxp.com/about/about-nxp/about-nxp/worldwide-locations/nxp-in-the-united-states:USA> on August 22, 2019.

16. Attached as Exhibit 14 hereto is a true and correct copy of a list of Cirrus Logic, Inc.'s locations accessed at <https://www.cirrus.com/careers/locations/> on August 22, 2019.

17. Attached as Exhibit 15 hereto is a true and correct copy of a list of Synopsys, Inc.'s locations accessed at <https://www.synopsys.com/company/contact-synopsys/office-locations.html> on August 22, 2018.

18. Attached as Exhibit 16 hereto is a true and correct copy of a list of STMicroelectronics, Inc.'s locations accessed at https://www.st.com/content/st_com/en/contact-us.html on August 5, 2019.

19. Attached as Exhibit 17 hereto is a true and correct copy of a list of Qualcomm, Inc.'s locations accessed at <https://www.qualcomm.com/company/facilities/offices?country=USA®ion=TX> on August 15, 2019.

20. Attached as Exhibit 18 hereto is a true and correct copy of an Intel in Texas webpage titled *Intel in Texas* accessed at <https://www.intel.com/content/www/us/en/corporate-responsibility/intel-in-texas.html> on August 15, 2019.

21. Attached as Exhibit 19 hereto is a true and correct copy of Apple Inc.'s First Amended Trial Witness List in the matter of *Core Wireless Licensing S.A.R.L. v. Apple Inc.*, No. 5:15-cv-5008 (N.D. Cal.), dated November 28, 2016.

22. Attached as Exhibit 20 hereto is a true and correct copy of Apple Inc.'s Amended Notice of Filing of Designations of Depositions and Discovery Responses, Witness List, and Exhibit List in the matter of *Golden Bridge Technology Inc. v. Apple Inc.*, No. 5:12-cv-04882 (N.D. Cal.), dated May 6, 2014, along with attached witness list.

23. Attached as Exhibit 21 hereto is a true and correct copy of Core Wireless Licensing S.A.R.L.'s Sur-Reply in Support of its Opposition to Apple's Motion to Transfer Venue in the matter of *Core Wireless Licensing S.A.R.L. v. Apple Inc.*, (E.D. Tex.), dated August 3, 2015.

24. Attached as Exhibit 22 hereto is a true and correct copy of Apple Inc.'s Notice of Lodgment in the matter of *Core Wireless Licensing S.A.R.L. v. Apple Inc.*, No. 5:15-cv-5008 (N.D. Cal.), dated December 10, 2016.

25. Attached as Exhibit 23 hereto is a true and correct copy of the trial minutes in the matter of *Golden Bridge Technology Inc. v. Apple Inc.*, No. 5:12-cv-04882 (N.D. Cal.), dated June 2, 2014 through June 16, 2014.

26. Attached as Exhibit 24 hereto is a true and correct copy of a list of Hitachi, Ltd.'s locations accessed at <https://www.hitachi-hightech.com/us/about/corporate/location/index.html> on August 22, 2019.

27. Attached as Exhibit 25 hereto is a true and correct copy of the March 28, 2018 Vox article titled *Tim Cook explains why 'it's not true' that the iPhone 'isn't built in the United States'* accessed at <https://www.vox.com/2018/3/28/17172204/tim-cook-revolution-apple-ceo-iphone-china-united-states-manufacturing>.

28. Attached as Exhibit 26 hereto is a true and correct copy of Maxell's Preliminary Infringement Contentions in the present matter of U.S. Patent No. 10,212,586, served June 12, 2019.

29. Attached as Exhibit 27 hereto is a true and correct copy of "Federal Court Management Statistics—Profiles," dated March 31, 2019 and published by the Administrative Office of the U.S. Courts and accessed at <https://www.uscourts.gov/federal-court-management-statistics-march-2019>.

30. Attached as Exhibit 28 hereto is a true and correct copy of the December 14, 2018 Curbed Austin article titled *How Austin landed the Apple deal* accessed at <https://austin.curbed.com/2018/12/14/18141017/austin-apple-incentives-taxes-city-state-county>.

31. Attached as Exhibit 29 hereto is a true and correct copy of the December 18, 2013 Statesman article titled *Apple confirms Mac Pro production has started in Austin* accessed at <https://www.statesman.com/article/20131218/business/312189722>.

32. Attached as Exhibit 30 hereto is a true and correct copy of the April 26, 2019 Engadget article titled *Intel is trying to sell its smartphone-modem business* accessed at <https://www.engadget.com/2019/04/26/intel-is-trying-to-sell-its-smartphone-modem-business/?guccounter=1>.

33. Attached as Exhibit 31 hereto is a true and correct copy of the May 5, 2019 PhoneArena.com article titled *2019 iPhones to feature new antenna structure that improves*

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