



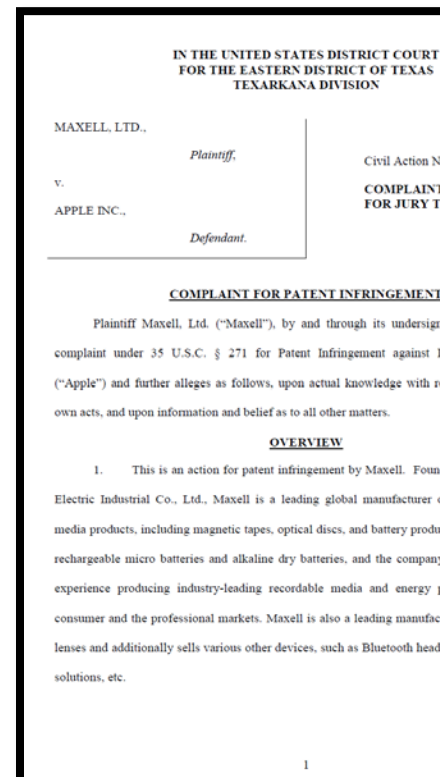
**Maxell, Ltd. v. Apple Inc.:**  
***Apple's Partial Motion to Dismiss***

Case No. 5:19-cv-00036-RWS

August 28, 2019

# Maxell's Complaint

- **Parties:** Maxell, Ltd. and Apple Inc.
- **Filed:** March 15, 2019
- **Asserted Patents:** 6,748,317; 6,580,999; 8,339,493; 7,116,438; 6,408,193; 10,084,991; 6,928,306; 6,329,794; and 10,212,586
- **Liability Theories:** Direct infringement, induced infringement, contributory infringement, and willful infringement



## Accused Apple Products

Asserted Patent(s)	Alleged Infringement	Accused Products
'317, '999, '498	"Walking Navigation" with Apple Maps + Find My Friends	iPhone, iPad, Watch
'493	Front- and rear-facing cameras with image sensors	iPhone, iPad, iPod Touch
'794	Low Power Mode	iPhone, iPad, iPod Touch
'193	Reduction of current consumption in CDMA chips	iPhone, iPad
'306	Alert for incoming call via Siri / Do Not Disturb mode	iPhone, iPad, iPod Touch
'991	FaceTime	iPhone, iPad, iPod Touch, MacBook
'438	AirDrop authentication	iPhone, iPad, iPod Touch, MacBook
'586	"Activation lock" and "unlock with iPhone"	iPhone, Watch

## Deficiencies in Maxell's Complaint

Failure to Allege	Pre-Suit Inducement	Post-Suit Inducement	Pre-Suit Contributory	Pre-Suit Willful
Specific intent to induce	X	X		
Pre-suit knowledge of infringement of any patent	X		X	X
Pre-suit knowledge of '586 patent	X		X	X

## No Specific Intent to Induce Infringement

- **Maxell's boilerplate allegations:**

27. Apple has indirectly infringed at least claims 1-3, 5-7, and 10-11 of the '317 Patent in this District and elsewhere in the United States by, among other things, actively inducing the use, offering for sale, selling, or importation of at least the '317 Accused Products. Apple's customers who purchase devices and components thereof and operate such devices and components in accordance with Apple's instructions directly infringe one or more claims of the '317 Patent in violation of 35 U.S.C. § 271. Apple instructs its customers through at least user guides or websites, such as those located at: [https://support.apple.com/en\\_US/manuals](https://support.apple.com/en_US/manuals) or <https://www.apple.com/ios/maps/>. Apple is thereby liable for infringement of the '317 Patent pursuant to 35 U.S.C. § 271(b).

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