

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

AIRE TECHNOLOGY LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-01101

**JURY TRIAL DEMANDED**

**DECLARATION OF DANIEL W. RICHARDS IN SUPPORT OF  
DEFENDANT APPLE'S MOTION TO STAY PENDING *INTER PARTES* REVIEW**

I, Daniel W. Richards, declare as follows:

1. I am admitted to practice before this Court, and am counsel at the law firm of Ropes & Gray LLP, counsel of record for Defendant Apple Inc. in this action.
2. As of January 19, 2023, the following discovery has occurred in this case:
  - a. Aside from venue-related discovery, Aire has served, and Apple has responded to, two sets of interrogatories, while Apple has served, and Aire has responded to, one set of interrogatories:
    - i. Plaintiff's First Set of Interrogatories to Defendant Apple Inc. (Nos. 1-12), dated July 19, 2022 (which Apple responded to on August 18, 2022);
    - ii. Plaintiff's Second Set of Interrogatories to Defendant Apple Inc., dated July 28, 2022 (No. 13) (which Apple responded to on August 29, 2022); and
    - iii. Defendant Apple Inc.'s First Set of Interrogatories (Nos. 1-17), dated August 3, 2022 (which Aire responded to on September 2, 2022).
  - b. Aside from venue-related discovery, the parties have each served, and responded to, only one set of requests for production:

- i. Plaintiff's First Set of Requests for Production to Apple, Inc., dated July 19, 2022 (which Apple served objections and responses to on August 18, 2022); and
    - ii. Defendant Apple Inc.'s First Set of Requests for Production, dated August 3, 2022 (which Aire served objections and responses to on September 2, 2022).
  - c. The parties each have not served any deposition notices on the other party. Aside from depositions of claim construction expert declarants, no depositions have occurred, and none are scheduled.
  - d. Only one third party (NXP) has produced some discovery.
3. Attached as **Exhibit A** is a true and correct copy of the Decision Granting Institution of *Inter Partes* Review of United States Patent No. 8,581,706 ('706).
  4. Attached as **Exhibit B** is a true and correct copy of the Decision Granting Institution of *Inter Partes* Review of United States Patent No. 8,205,249 ('249).
  5. Attached as **Exhibit C** is a true and correct copy of the Decision Granting Institution of *Inter Partes* Review of United States Patent No. 8,174,360 ('360).
  6. Attached as **Exhibit D** is a true and correct copy of the '706 Patent Assignment Record.
  7. Attached as **Exhibit E** is a true and correct copy of the '249 Patent Assignment Record.
  8. Attached as **Exhibit F** is a true and correct copy of the '360 Patent Assignment Record.
  9. Attached as **Exhibit G** is a true and correct copy of Plaintiff's Preliminary Disclosure of Asserted Claims and Infringement Contentions to Defendant Apple Inc., dated January 20, 2022.
  10. Attached as **Exhibit H** is a true and correct copy of the Petition for *Inter Partes* Review in IPR2022-01137 regarding the '706 patent.
  11. Attached as **Exhibit I** is a true and correct copy of the Petition for *Inter Partes* Review in IPR2022-01135 regarding the '249 patent.
  12. Attached as **Exhibit J** is a true and correct copy of the Petition for *Inter Partes* Review in

IPR2022-01136 regarding the '360 patent.

13. Attached as **Exhibit K** is a true and correct copy of the Petition for *Inter Partes* Review in IPR2023-00080 regarding claim 13 of the '249 patent.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 19, 2023

/s/ Daniel W. Richards

DANIEL W. RICHARDS