

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

MAXELL, LTD.'S FINAL ELECTION OF ASSERTED CLAIMS

Pursuant to the Docket Control Order (D.I. 46) and the Order Focusing Patent Claims and Prior Art to Reduce Costs (D.I. 44), Plaintiff Maxell, Ltd. ("Maxell") hereby provides its Final Election of Asserted Claims:

- '317 Patent: Claims 1 and 17
- '999 Patent: Claim 3
- '498 Patent: Claims 3 and 13
- '193 Patent: Claims 1 and 6
- '306 Patent: Claims 12 and 15
- '438 Patent: Claims 1, 2, and 4
- '991 Patent: Claim 4
- '794 Patent: Claims 1 and 14
- '493 Patent: Claims 5 and 6
- '586 Patent: Claims 7, 16, and 17

As evidenced by Apple's ongoing document and source code productions, Maxell has been

prejudiced in making this election without having reviewed highly relevant technical documents and source code (*e.g.*, FaceTime code, Express Transit code, Modem design specifications, documents describing cellular functionalities stored in the RFC repository, complete Dialog Objective Specifications, Camera Hardware specifications, complete Bluetooth/WiFi technical specifications etc). *See e.g.*, Maxell's Motion to Compel (Dkt. No. 197) and Maxell's Motion for Sanctions (Dkt. No. 210). Accordingly, Maxell reserves the right to seek relief to supplement these disclosures once Apple has completed its discovery obligations and once Maxell has had an opportunity to review all of Apple's discovery.

Dated: March 17, 2020

By: /s/ Jamie B. Beaber

Geoff Culbertson
Kelly Tidwell
Patton, Tidwell & Culbertson, LLP
2800 Texas Boulevard (75503)
Post Office Box 5398
Texarkana, TX 75505-5398
Telephone: (903) 792-7080
Facsimile: (903) 792-8233
gpc@texarkanalaw.com
kbt@texarkanalaw.com

Jamie B. Beaber
Alan M. Grimaldi
Kfir B. Levy
James A. Fussell, III
Baldine B. Paul
Tiffany A. Miller
Saqib J. Siddiqui
Bryan C. Nese
William J. Barrow
Alison T. Gelslechter
Clark S. Bakewell
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Telephone: (202) 263-3000
Facsimile: (202) 263-3300
jbeaber@mayerbrown.com

agrimaldi@mayerbrown.com
klevy@mayerbrown.com
jfussell@mayerbrown.com
bpaul@mayerbrown.com
tmiller@mayerbrown.com
ssiddiqui@mayerbrown.com
bnese@mayerbrown.com
wbarrow@mayerbrown.com
agelsleichter@mayerbrown.com
cbakewell@mayerbrown.com

Robert G. Pluta
Amanda Streff Bonner
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
(312) 782-0600
rpluta@mayerbrown.com
asbonner@mayerbrown.com

Counsel for Plaintiff Maxell, Ltd.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 17th day of March, 2020, with a copy of this document via electronic mail.

/s/ Jamie B. Beaber
Jamie B. Beaber