

# Exhibit 37

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

MAXELL, LTD.,

*Plaintiff,*

v.

HUAWEI DEVICE USA INC. and  
HUAWEI DEVICE CO., LTD.,

*Defendants.*

Case No. 5:16-cv-00178-RWS

**JURY TRIAL DEMANDED**

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**MAXELL'S NOTICE REGARDING ZTE'S  
OPPOSITION TO CHANGING ORDER OF TRIALS**

Maxell, Ltd. ("Maxell") files and makes this notice regarding ZTE's recently filed notice of opposition to changing order of trials. Dkt. No. 371.

During the parties' May 18, 2018 status conference, the Court instructed Maxell to reach out to ZTE regarding Maxell's proposal that the ZTE trial precede the Huawei trial. Maxell did so by e-mail that same evening. Ex. 1. Maxell's counsel specifically stated that the Court instructed Maxell to inquire about ZTE's position, requested a response from ZTE and indicated that Maxell and Huawei were to report back to the Court by Wednesday of this week. *Id.* As of the filing of the parties' Joint Status Update (Dkt. No. 363), Maxell received no response.

Maxell regrets having to make this filing but is compelled to correct and clarify the record. Maxell provides this notice to correct the false impression left by ZTE's filing that Maxell failed to follow the Court's instruction. Further, Maxell provides notice that it disputes ZTE's representations regarding the subject of the May 10, 2018 oral conversation between Steven Moore and Jamie Beaber, which were directed towards settlement.<sup>1</sup>

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<sup>1</sup> However, Maxell acknowledges that it reached out to ZTE while the Huawei and ZTE cases were consolidate in January of 2018 on this issue and it did not receive a response from ZTE.

Dated: May 24, 2018

Respectfully submitted,

*/s/ Jamie B. Beaber*

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indicated it did not agree that changing the order of trials was appropriate based on the docket numbers in the Huawei and ZTE cases. However this topic was not discussed by the parties on May 10, 2018 or at any time since the consolidation order was vacated (until Friday evening's e-

*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 24th day of May, 2018, with a copy of this document via electronic mail pursuant to Local Rule CV-5(d).

/s/ Jamie B. Beaber  
Geoff Culbertson