

PUBLIC VERSION

**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

PUBLIC VERSION

**MAXELL, LTD.’S UNOPPOSED MOTION
FOR ADDITIONAL REDACTIONS OR SEALING**

Plaintiff Maxell, Ltd. (“Maxell”) hereby moves for an order redacting or placing under seal certain highly confidential information contained in the transcript related to the September 17, 2019 hearing on the Motion to Transfer, Volume 1 (Docket No. 100), reported by official court reporter Ms. Anna Renken Lafrenz.

On September 17, 2019, this Court held a hearing on two pending motions: Maxell’s Opposed Motion to Compel Defendant Apple Inc. to Produce Timely Discovery (D.I. 56) and Apple’s Amended Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a). The Court initially entered the Notice of Filing of Official Transcript on September 26, 2019 (D.I. 88-90) and then refiled on October 17, 2019 (D.I. 100-101). Maxell timely filed a notice of intent to request redaction on October 2019 (D.I. 95). Apple does not oppose Maxell’s proposed redactions or terms/phrases for sealing.

Good cause supports this motion because, during the course of the hearing, Maxell’s counsel made statements that revealed details regarding a joint venture to which Maxell Research and Development America, LLC (“MRDA”) is a party. MRDA has signed a Non-Disclosure Agreement that requires it to maintain information related to the business of that joint venture

PUBLIC VERSION

confidential, particularly to the extent it relates to current projects that are under development. Given the foregoing, Maxell has only disclosed such information to Apple and the Court pursuant to the governing Patent Protective Order (Dkt No. 45) under the designation CONFIDENTIAL – ATTORNEYS’ EYES ONLY.¹ The public disclosure of confidential details of MRDA’s joint venture would harm the ability of MRDA and the other third-party members of the joint venture to protect the confidential nature of the projects under development from potential competitors.

To ensure that the confidential and proprietary business information of MRDA and the other third-party members of the joint venture remains protected and undisclosed, Maxell requests that this Court redact or seal the following limited portions from the publicly available transcript related to the September 17, 2019 hearing on the Motion to Transfer, Volume 1:

- Page 51, Lines 1-10 (beginning “since at least.” through end of paragraph)
- Page 51, Lines 16-22 (beginning “They share...” through “Japan”)
- Page 52, Lines 16-21 (beginning “the 794...” through end of paragraph)
- Page 61, Lines 14-17 (beginning “He have has.” through “business”)
- Page 63, Lines 15-17 (beginning “It is...” through “buildings”)
- Page 70, Lines 13-16 (beginning “Mr. Nakamura...” through end of paragraph)

For the Court’s convenience, Maxell has attached as Exhibits A a copy of the transcript redacting the above-identified page, line, and word/phrase designations.

Maxell respectfully requests that this Court enter an order redacting or sealing the above page, line, and word-phrase designations from the final transcript before the transcript is made available to the public in the ECF record and on PACER.

¹ The Protective Order restricts disclosure of such information to outside counsel and employees thereof, outside consultants or experts, court reporters and the like, the Court, jury, and court personnel, certain litigation support personnel, mediators, and in certain instances mock and shadow jurors. Protective Order at ¶ 9.

PUBLIC VERSION

Dated: October 17, 2019

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. Gelsleichter
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

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Chicago, IL 60606
(312) 782-0600
rpluta@mayerbrown.com
asbonner@mayerbrown.com

Counsel for Plaintiff Maxell, Ltd.

PUBLIC VERSION

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 October, 2019, with a copy of this document via electronic mail pursuant to Local Rule CV-5(d).

/s/ Jamie B. Beaber
Jamie B. Beaber

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

I hereby certify that the foregoing document is authorized to be filed under seal pursuant to the Protective Order entered in this case.

/s/ Jamie B. Beaber
Jamie B. Beaber

CERTIFICATE OF CONFERENCE

I certify that Plaintiff Maxell, Ltd. has complied with the requirements of Local Rule CV-7(h) and the Discovery Order governing this case. Apple has indicated that they do not oppose Maxell's motion seeking redaction or sealing.

/s/ Jamie B. Beaber
Jamie B. Beaber