

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**

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**MAXELL, LTD.'S CORRECTED 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.<sup>1</sup>

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.

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<sup>1</sup> The page and line references in Maxell's original motion (D.I. 102) contained references to the transcript as initially filed at D.I. 88. This Corrected Motion contains updated page and line numbers to the transcript refiled at D.I. 100, which Maxell received after filing its original motion.

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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 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.<sup>2</sup> 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 23, Lines 15-24 (beginning "since at least." through end of paragraph)
- Page 24, Lines 5-11 (beginning "They share..." through "Japan")
- Page 25, Lines 5-10 (beginning "the 794..." through end of paragraph)
- Page 34, Lines 3-6 (beginning "He have has." through "business")
- Page 36, Lines 4-6 (beginning "It is..." through "buildings")
- Page 43, Lines 2-5 (beginning "Mr. Nakamura..." through end of paragraph)

For the Court's convenience, Maxell has attached as Exhibit A a copy of the transcript

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<sup>2</sup> 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.

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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.

Dated: October 18, 2019

By: /s/ Jamie B. Beaber

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**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 18th 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