

EXHIBIT A

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MAXELL LTD)	
)	
)	5:19-CV-00036-RWS
VS.)	
)	TEXARKANA, TEXAS
)	SEPTEMBER 17, 2019
APPLE, INC.)	

MOTION HEARINGS

BEFORE THE HONORABLE ROBERT WILLIAM SCHROEDER, III
UNITED STATES DISTRICT JUDGE

Volume 1

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computer-aided transcription.

02:06PM 1 THE COURT: Let's do it this way.

02:06PM 2 MS. SMITH: Quite frankly, Your Honor, I wasn't
02:06PM 3 concerned with the new things because didn't think I would be
02:06PM 4 asked for the first time ever address new documents. We talked
02:06PM 5 about org charts. We don't have any of those. We talked about
02:06PM 6 licenses, which is a recurring theme. We talked about sales
02:06PM 7 and marketing documents and we talked about policy documents.
02:06PM 8 Those are the categories that were in the motion and categories
02:06PM 9 that we again addressed in the meet and confer.

02:06PM 10 THE COURT: Okay. So, Ms. Smith, let's just
02:06PM 11 take slide, plaintiff's slide I think seven. Mr. Levy, can you
02:06PM 12 put that up? Let's look at those, Ms. Smith, specifically and
02:07PM 13 tell me whether those were discussed.

02:07PM 14 MR. LEVY: I don't know if there's a faster way
02:07PM 15 to do this.

02:07PM 16 THE COURT: Well, you are getting there. Thank
02:07PM 17 you.

02:07PM 18 MS. SMITH: All right. So I am prepared to talk
02:07PM 19 about licensing agreements. We have discussed that in meet and
02:07PM 20 confers. I am prepared to talk about marketing materials.
02:07PM 21 Notably that was an initial complaint on marketing materials.
02:07PM 22 We have started to roll out marketing materials. It might be
02:07PM 23 easier if I just give you, go down the list here and giving you
02:07PM 24 an update. Licensing documents, you know, we're looking at a
02:07PM 25 pool on the Apple side [REDACTED]. We have narrowed the pool

02:16PM 1 unconventional. But to give you a flavor, Your Honor, of what
02:16PM 2 the ask is, Maxell has accused six years of iPhones, Ipads,
02:16PM 3 Ipods, Macs, watches [REDACTED]
02:16PM 4 [REDACTED] So what Maxell has demanded is all
02:16PM 5 licenses for every one of those products plus licenses to
02:16PM 6 reasonably similar products plus all the underlying negotiation
02:17PM 7 documents.

02:17PM 8 What Apple has agreed to produce is licenses that are
02:17PM 9 relevant to the accused functionalities in the case. Not a new
02:17PM 10 idea, one Your Honor has seen many, many times before. And
02:17PM 11 Apple gets to define at least initially the scope of the
02:17PM 12 production. And we're producing based on the technology rather
02:17PM 13 than the products. I'm not aware of any case where Apple has
02:17PM 14 been made to or has voluntarily produced every license on every
02:17PM 15 accused product regardless of scope or time.

02:17PM 16 Again there's also a demand for negotiations. What I just
02:17PM 17 heard the plaintiff say is admittedly, and I wrote this down
02:17PM 18 when they were speaking today, admittedly those are sometimes
02:17PM 19 in the licenses. Again I will go back to the fact that what
02:18PM 20 I'd like to see happen here is after prior to the substantial
02:18PM 21 discovery deadline should the Court impose one and we produce
02:18PM 22 the licenses perhaps they'll see which of licenses they would
02:18PM 23 like more information on. Some of them will in their own words
02:18PM 24 admittedly already have the information they seek to compel
02:18PM 25 today in the licenses themselves.