

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

MAXELL, LTD.,

Plaintiff

v.

APPLE INC.,

Defendant.

Civil Action NO. 5:19-cv-00036-RWS

JURY TRIAL DEMANDED

**APPLE INC.'S UNOPPOSED MOTION FOR LEAVE TO FILE REPLY IN SUPPORT
OF ITS MOTION TO COMPEL INFRINGEMENT CONTENTIONS COMPLIANT
WITH PATENT RULE 3-1(G) OR, IN THE ALTERNATIVE, TO PRECLUDE
MAXELL'S RELIANCE ON SOURCE CODE FOR INFRINGEMENT**

Apple respectfully submits this unopposed motion for leave to reply to Maxell's Opposition to Apple's Motion to Compel Infringement Contentions Compliant with Patent Rule 3-1(g) or, in the Alternative, to Preclude Maxell's Reliance on Source Code for Infringement. (D.I. 145).

Apple requests the opportunity to respond to Maxell's submission of its full Supplemental Infringement Contentions ("SIC") with its Opposition. (D.I. 143, 152). Apple excerpted relevant portions of the SIC in its Motion (D.I. 123-01) to comply with Local Civil Rule 47(c) ("[o]nly relevant, cited-to excerpts of attached materials should be attached") and the page limits of the Court's 2016 Standing Order. As the Court knows, Maxell obtained leave to include its entire SIC with its Opposition. Apple respectfully requests an opportunity to file a short reply to address Maxell's arguments concerning the full SIC, including Maxell's allegation that "[e]ven a cursory review will establish how detailed . . . they are." (D.I. 145 at 7 n.5).

Apple's proposed reply is being filed concurrently with this Motion for Leave, and Apple respectfully requests that the Court consider the reply in ruling on Apple's Motion to Compel.

Apple has meet and conferred with Maxell regarding this motion for leave, and Maxell has stated that it does not oppose the motion.

Dated: December 4, 2019

/s/ Luann L. Simmons

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on December 4, 2019.

/s/ Melissa R. Smith _____

Melissa R. Smith