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Apple's Motion for Leave to Supplement Invalidity Contentions

January 8, 2020

Good Cause Factors

1. The length of and reason for the delay, including whether the moving party has been diligent
2. The importance of the amendment
3. The potential prejudice in allowing the amendment
4. The availability of a continuance to cure such prejudice

See, e.g., Allure Energy, Inc. v. Nest Labs
F.Supp.3d 538, 540-41 (E.D. Tex. 2015)

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Apple's Explanation for Delay

Second, Apple's discovery of the Casio Camera prior art after service of its invalidity contentions was excusable because of the significant difficulty associated with locating technical information about prior art products sold twenty years ago. The Casio Camera was a digital

literature for the Casio Camera. *Id.*, ¶ 5. Following the leads from camera enthusiasts' websites to try to locate product information was time consuming because manufacturers like Casio stopped selling these products nearly twenty years ago, literature and specifications were not always archived from so long ago and, even if found, frequently did not contain sufficient

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On or about October 16, a technical analyst working under the direction of Apple counsel at Erise IP discovered a German website published by an individual camera enthusiast that contained information relating to old models of digital cameras. *See Gibson Decl.*, ¶

Oct. 16

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