

**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-0036-RWS

**JURY TRIAL DEMANDED**

**MAXELL, LTD.’S MOTION FOR EXPEDITED BRIEFING ON ITS  
MOTION FOR SANCTIONS**

Pursuant to Local Rule CV-7(e), Plaintiff Maxell, Ltd. (“Maxell”) respectfully requests an expedited briefing schedule with respect to its Motion for Sanctions (the “Motion”), which was filed with the Court on March 5, 2020. Maxell requests that any opposition brief be due on March 13, 2020, with no additional briefing from the parties. Although Maxell is willing to waive reply briefing on the Motion given the urgency of the issues and sanctions requested therein, Maxell believes that a hearing should be held to address the Motion.

Maxell believes expedited briefing is appropriate in view of the impact that the Motion has on the upcoming April 7 deadline for opening expert reports. More specifically, many of the sanctions requested in Maxell’s motion relate to Apple’s ability to oppose claims that may be made by Maxell’s experts relating to, for example, the operation of accused functionalities and/or the use of representative products. Quickly obtaining the requested sanctions will aid Maxell’s experts in the preparation of their reports. On the other hand, if briefing on Maxell’s Motion were not to be expedited, it is unlikely that the Court would be able to render an Order on the Motion in time for Maxell to fully utilize any relief granted in response thereto.

Moreover, expedited briefing on the Motion will enable the parties to address both Maxell's Motion to Compel and Motion for sanctions at a single hearing. Given the overlap of issues between the two motions, this is the most efficient result for both the parties and the Court.

Accordingly, Maxell requests that the Court order the following expedited briefing schedule concerning Maxell's Motion:

Brief	Due Date
Defendant's Response	March 13, 2020
Maxell's Reply	None to be filed
Defendant's Sur-Reply	None to be filed

Dated: March 5, 2020

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 Siddiqui  
 Bryan 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  
ssidiqui@mayerbrown.com  
bnese@mayerbrown.com  
wbarrow@mayerbrown.com  
agelsleichter@mayerbrown.com  
cbakewell@mayerbrown.com

Robert G. Pluta  
Amanda S. Bonner  
MAYER BROWN LLP  
71 S. Wacker Drive  
Chicago, IL 60606  
(312) 782-0600  
rpluta@mayerbrown.com  
asbonner@mayerbrown.com

*Counsel for Plaintiff Maxell, Ltd.*

**CERTIFICATE OF CONFERENCE**

I hereby certify that Plaintiff Maxell, Ltd. has complied with the requirements of Local Rule CV-7(h) governing this case. Specifically, the parties held a telephonic meet and confer on March 3, 2020, attended by lead and local counsel for the parties. Apple indicated that it would not agree to expedited briefing in connection with Maxell's Motion for Sanctions.

/s/ Jamie B. Beaber  
Jamie B. Beaber

/s/ Geoff Culbertson  
Geoff Culbertson

**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 5th day of March, 2020, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Jamie B. Beaber  
Jamie B. Beaber