

**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 MOTION TO STAY PENDING DETERMINATION OF
INTER PARTES REVIEW OF THE PATENTS-IN-SUIT**

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I. INTRODUCTION

Apple has petitioned for *inter partes* review (“IPR”) of all asserted claims of the ten Patents-in-Suit.¹ Apple now respectfully requests, in the interest of judicial efficiency, that this Court stay further proceedings pending the Patent Trial and Appeal Board’s (“PTAB’s”) resolution of Apple’s IPR petitions. Apple filed its petitions before the statutory deadline to do so, and each factor considered for a stay—potential undue prejudice to the non-moving party, stage of the proceedings, and simplification of issues—strongly favors granting a stay.

Plaintiff is not prejudiced by a stay: The Plaintiff, Maxell, is essentially a patent assertion entity that does not compete with Apple in the market and has admitted that it does not practice any of the Patents-in-Suit. Money damages will adequately compensate it for any alleged harm and it will suffer no prejudice at all or tactical disadvantage from a stay.

The proceedings are not at an advanced stage and discovery is not yet complete: Fact discovery is ongoing. Maxell continues to request that Apple produce new documents it has never before requested, most of the fact depositions are not yet completed, expert discovery has yet to begin, and dispositive motions are months away. And trial is not until late October.

A stay will simplify the issues: This case involves ten Patents-in-Suit, hundreds of accused products, and a plethora of accused and unrelated features, such as navigation, digital photography, cellular communication, mobile device notification, video conferencing, and wireless communications. To address the huge scope of this case, the parties have collectively identified more than a dozen experts. A stay pending resolution of Apple’s IPRs has a high

¹ The ten Patents-in-Suit are U.S. Patent Nos. 6,748,317; 6,580,999; 8,339,493; 7,116,438; 6,408,193; 10,084,991; 6,928,306; 6,329,794; 10,212,586; and 6,430,498 (collectively, the “Patents-in-Suit”).

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