

**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-00036-RWS

JURY TRIAL DEMANDED

**JOINT STIPULATION REGARDING
EXTENSION OF DEADLINES TO SUBMIT INITIAL AND REBUTTAL EXPERT
REPORTS ON THE '794 PATENT**

Plaintiff Maxell, Ltd. (“Maxell”) and Defendant Apple Inc. (“Apple”) (collectively, the “Parties”), by and through their undersigned counsel, jointly submit this Stipulation and proposed Order for an extension of the deadlines to submit initial and rebuttal expert reports regarding the infringement and invalidity of U.S. Patent No. 6,329,794 (the “’794 Patent”).

Following various meet and confer sessions, the Parties have agreed to a second deposition of Adam Machalek, that will be conducted via telephone. Subject to its objections, Apple has designated Mr. Machalek regarding certain features and functionality of the accused products that Maxell has accused of infringing the ’794 Patent. The parties have agreed to conduct Mr. Machalek’s deposition on Monday, May 11, 2020, for no more than two hours, and that the subject matter of this deposition will be limited to the documents in the two specific categories indicated in the parties’ correspondence on this issue.

Pursuant to the Amended Docket Control Order (D.I. 283), initial expert reports are currently due on May 7, 2020 and rebuttal expert reports are currently due on June 4, 2020. Given

that Mr. Machalek's second deposition will not occur until May 11, 2020, the Parties have agreed to a one-week extension of the deadlines for serving initial and rebuttal expert reports (infringement and invalidity) related to the '794 Patent.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties that:

1. The Parties will exchange initial expert reports (infringement and invalidity) related to the '794 Patent on May 14, 2020.
2. The Parties will exchange rebuttal expert reports (infringement and invalidity) related to the '794 Patent on June 11, 2020.
3. This extension does not affect or alter any other deadlines in this case.

Dated: May 6, 2020

/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
William J. Barrow
Baldine B. Paul
Tiffany A. Miller
Michael L. Lindinger
Saqib J. Siddiqui
Bryan C. Nese
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
wbarrow@mayerbrown.com
bpaul@mayerbrown.com
tmiller@mayerbrown.com
mlindinger@mayerbrown.com
ssiddiqui@mayerbrown.com
bnese@mayerbrown.com
agelsleichter@mayerbrown.com
cbakewell@mayerbrown.com

Robert G. Pluta
Amanda S. Bonner
MAYER BROWN LLP

/s/ Luann L. Simmons

Luann L. Simmons (*Pro Hac Vice*)
lsimmons@omm.com
O'MELVENY & MYERS LLP
Two Embarcadero Center
28th Floor
San Francisco, CA 94111
Telephone: 415-984-8700
Facsimile: 415-984-8701

Xin-Yi Zhou (*Pro Hac Vice*)
vzhou@omm.com
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071
Telephone: 213-430-6000
Facsimile: 213-430-6407

Laura Bayne Gore (*Pro Hac Vice*)
lbayne@omm.com
O'MELVENY & MYERS LLP
Times Square Tower, 7 Times Square
New York, NY 10036
Telephone: 212-326-2000
Facsimile: 212-326-2061

Melissa R. Smith (TX #24001351)
melissa@gilliamsmithlaw.com
GILLIAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Attorneys for Defendant Apple Inc.

71 S. Wacker Drive
Chicago, IL 60606
(312) 782-0600
rpluta@mayerbrown.com
asbonner@mayerbrown.com

Counsel for Plaintiff Maxell, Ltd.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 6th day of May, 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