

**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 NOTICE OF SUPPLEMENTAL FACTS IN SUPPORT
OF APPLE'S RENEWED MOTION TO COMPEL LICENSING AND
NEGOTIATION DOCUMENTS AND FOR SANCTIONS D.I. 254**

In opening expert reports, Maxell continues to selectively rely “on Hitachi evidence for its benefit, while denying Apple the full picture of discovery into Hitachi it is owed.” D.I. 254 at 6, 7; *see also* D.I. 156 at 3; Exhibit 1 (excerpts from Maxell damages expert report at ¶¶ 87-96, 103-113, 115-116, 119-122, 127, 134-140, 145-146). “[B]ecause discovery is now closed, Apple cannot depose [REDACTED] or seek third party discovery from Hitachi and Maxell’s [REDACTED]. Thus, Apple seeks an order precluding Maxell from relying on evidence from Hitachi and Hitachi employees.” D.I. 254 at 7.

May 15, 2020

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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 May 15, 2020.

/s/ Melissa R. Smith
Melissa R. Smith

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]