

**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**

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**NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING APPLE INC.'S OPPOSED  
MOTION FOR LEAVE TO CONDUCT TWO DEPOSITIONS  
AFTER THE FACT DEPOSITION DEADLINE**

Pursuant to Federal Rule of Civil Procedure 15(d), Plaintiff Maxell, Ltd. (“Maxell”), by counsel, submits this notice of supplemental authority—the attached Order in *Optis Wireless Technology, LLC, et al. v. Apple Inc.*, No. 2:19-cv-00066-JRG (E.D. Tex. Apr. 28, 2020)—in connection with Apple Inc.’s (“Apple”) Opposed Motion for Leave to Conduct Two Depositions After the Fact Deposition Deadline (“Motion for Leave”).

The attached Order, rendered by Judge Gilstrap, is relevant to this matter as it addresses a joint request made by the parties in that case, which includes Apple, to take certain depositions after the close of fact discovery. With respect to two depositions, the request was to take the depositions at some undetermined future date convenient for the parties and witnesses. With respect to such depositions, the Court denied the motion, stating that “[t]he Parties are free to re-urge their requests for leave with regards to these depositions in the future when they are able to present the Court with more details as to when and where the depositions will be conducted.”

Order at 2.

The attached Order issued in response to a motion made by Apple in co-pending litigation. Apple was thus plainly aware of the Order. Although the attached Order concerned similar issues as those raised by Apple's Motion for Leave, and issued prior to Apple's filing of that motion, Apple did not cite the Order before this Court. Maxell did not learn of the Order until May 21, 2020—the same day it is being submitted as Supplemental Authority.

Dated: May 21, 2020

By: /s/ Jamie B. Beaber

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**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 21st day of May, 2020, with a copy of this document via the Court's electronic CM/ECF system

/s/ Jamie B. Beaber  
Jamie B. Beaber