**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MAXELL, LTD.,	
Plaintiff	Civil Action NO. 5:19-cv-00036-RWS
v.	**JURY TRIAL DEMANDED**
APPLE INC.,	██████████████
Defendant.	

**APPLE INC.'S OPPOSITION TO DEFENDANT MAXELL, LTD.'S
MOTION TO STRIKE PORTIONS OF DEFENDANT
APPLE INC.'S INVALIDITY EXPERT REPORTS**

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I.   INTRODUCTION

Invalidity contentions are designed to give adequate notice to allow the parties to litigate their cases. Maxell cannot seriously dispute that it had more than adequate notice of all of Apple's invalidity theories. Apple's invalidity contentions fully complied with the Patent Rules, disclosing all of the prior art references and combinations Apple would rely on, and providing motivations to combine those references. In attempting to manufacture disputes, Maxell imagines novel legal requirements and attempts to fault Apple for not complying with these non-existent requirements. For example, Maxell suggests that prior art combinations must be disclosed on a claim limitation basis in invalidity contentions for an expert to rely on those combinations in a report. This District expressly holds otherwise: combinations do not need to be disclosed on a limitation basis in invalidity contentions. All that is required is to chart the prior art references and disclose which references will be combined, and motivations to combine them. Apple complied with that requirement.

Similarly, Maxell criticizes experts for providing additional analysis of prior art and motivations to combine over the disclosure in Apple's invalidity contentions, and its brief includes charts suggesting that Apple's experts are presenting "new" theories by selecting snippets of Apple's expert reports that Maxell claims do not use exactly the same words as parts of Apple's invalidity contentions Maxell cites. In doing so, Maxell simply ignores other parts of Apple's invalidity contentions that very clearly disclose the grounds Maxell accuses of being "new." Also, this District holds that parties are not required to put forward their entire case in invalidity contentions; expert reports are necessarily more detailed.

Unsurprisingly considering that Apple's invalidity contentions clearly complied with the Patent Local Rules ("Patent Rules"), Maxell finds no authority to support its novel theories and the extreme relief it seeks for illusory disputes. To the contrary, the only cases Maxell cites do

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