

**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 FOR PARTIAL SUMMARY JUDGMENT
LIMITING MAXELL'S CLAIM FOR DAMAGES FOR
THE '999, '498, '493, AND '317 PATENTS UNDER 35 U.S.C. § 287(a)
AND
FOR NO ENHANCED DAMAGES UNDER 35 U.S.C. § 284**

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I. INTRODUCTION

Apple moves for summary judgment that Maxell’s damages period is limited and that Maxell is not entitled to enhanced damages.

First, Maxell seeks pre-suit damages starting on July 1, 2013 for Apple’s alleged infringement of four¹ of the ten asserted patents. To get such damages, Maxell must prove that Apple had actual notice of its alleged infringement as required by 35 U.S.C. § 287(a). [REDACTED]

[REDACTED]

[REDACTED]

Second, Maxell seeks enhanced damages under 35 U.S.C. § 284 even though this is a typical patent infringement dispute that lacks any evidence of egregious behavior by Apple.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Accordingly, *Eko Brands, LLC v. Adrian Rivera Maynez Enterprises, Inc.*

confirms that Maxell is not entitled to an award by the Court of enhanced damages on these facts. 946 F.3d 1367 (Fed. Cir. 2020). Consequently, there is no reason to present the predicate question of “willful” infringement to the jury.

II. STATEMENT OF ISSUES TO BE DECIDED BY THE COURT

Whether Apple is entitled to summary judgment that:

1. [REDACTED]

¹ U.S. Patent Nos. 6,748,317; 6,580,999; 8,339,493; and 6,430,498.

[REDACTED]

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