

**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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**ORDER**

Upon consideration of Plaintiff Maxell, Ltd.'s ("Maxell") Motion for Partial Summary Judgment of No Invalidity of U.S. Patent Nos. 6,748,317, 6,580,999, and 6,430,498 in View of the Abowd and Cyberguide Alleged Prior Art, Apple's response in Opposition thereto, and the record before the Court, the Court finds that the Motion should be **GRANTED**.

**IT IS THEREFORE ORDERED** that:

- Apple has failed to establish by clear and convincing evidence that any of the Abowd and Cyberguide references qualifies as prior art against Maxell's U.S. Patent Nos. 6,748,317, 6,580,999, and 6,430,498 under 35 U.S.C. § 102;
- Maxell's U.S. Patent Nos. 6,748,317, 6,580,999, and 6,430,498 are not invalid based on Abowd and Cyberguide.

**IT IS FURTHERED ORDERED** that Apple is hereby excluded from offering any direct testimony on any of the aforementioned sections of the expert reports at trial in this action.