

**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-0036-RWS

JURY TRIAL DEMANDED

JOINT MOTION TO PARTIALLY AMEND DOCKET CONTROL ORDER

Plaintiff Maxell, Ltd. and Defendant Apple Inc. (collectively the “Parties”) hereby jointly move to amend the current Docket Control Order (Dkt. No. 283), as amended by the Court’s August 10, 2020 Order (Dkt. No. 495), in the above-captioned matter with respect to the timing of certain pre-trial filings only.

Certain deadlines in the current Docket Control Order were set in order to take place a specific number of weeks in advance of the Pre-Trial Conference, which was originally scheduled for October 6, 2020. On August 10, 2020, the Court issued an Order resetting the Pre-Trial Conference to November 12, 2020. Dkt. No. 495. The Order also reset the dates for Jury Selection and Jury Trial. *Id.* Although the Order “does not affect any pending deadlines in the Docket Control Order other than the pretrial conference and trial dates,” the Court has allowed the parties to “move to amend other pending deadlines, if deemed necessary, within seven days of entry of th[e] Order.” *Id.*

Because the Pre-Trial Conference has been reset, the Parties respectfully request that the dates based thereon be amended as well. The dates currently set for the Dispositive Motion Hearing, Pre-Trial Conference, Jury Selection, and Jury Trial will not be impacted by the

requested amendments.

A table presenting the current deadlines and proposed amendments is set forth below:

Original Date	Proposed Amended Date	Event
3 DAYS after conclusion of Trial		Parties to file Motion to Seal Trial Exhibits , if they wish to seal any highly confidential exhibits. EXHIBITS: See Order Regarding Exhibits below.
December 7, 2020 Court designated date – not flexible without good cause - Motion Required		9:00 a.m. JURY TRIAL before Judge Robert W. Schroeder III, Texarkana, Texas. For planning purposes, parties shall be prepared to start the evidentiary phase of trial immediately following jury selection.
December 7, 2020 Court designated date – not flexible without good cause - Motion Required		9:00 a.m. JURY SELECTION before Judge Robert W. Schroeder III, Texarkana, Texas.
November 12, 2020 Court designated date – not flexible without good cause - Motion Required		10:00 a.m. PRETRIAL CONFERENCE before Judge Robert W. Schroeder III, Texarkana, Texas. Discuss trial logistics and <i>voir dire</i> procedure. Resolve any pending motions or objections. Lead trial counsel must attend the pretrial conference.
September 29, 2020 [1 week before pretrial]	November 5, 2020 [1 week before pretrial]	File a Notice of Time Requested for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
September 29, 2020 [1 week before pretrial]	November 5, 2020 [1 week before pretrial]	File Responses to Motions <i>in Limine</i>.

September 22, 2020 [2 weeks before pretrial]	October 22, 2020 [3 weeks before pretrial]	File Motions <i>in Limine</i> and pretrial objections. The parties are ORDERED to meet and confer to resolve any disputes before filing any motion <i>in limine</i> or objection to pretrial disclosures.
September 22, 2020 [2 weeks before pretrial]	October 22, 2020 [3 weeks before pretrial]	File Joint Final Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials. Parties shall use the pretrial order form on Judge Schroeder's website. Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench.
September 15, 2020 [3 weeks before pretrial]	October 15, 2020 [4 weeks before pretrial]	Exchange Objections to Rebuttal Deposition Testimony and Reply Designations. ¹
September 8, 2020 [4 weeks before pretrial]	October 8, 2020 [5 weeks before pretrial]	Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due. If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court.
September 8, 2020 [4 weeks before pretrial]	October 8, 2020 [5 weeks before pretrial]	Exchange Rebuttal Designations and Objections to Deposition Testimony. For rebuttal designations, cross examination line and page numbers to be included. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.
August 25, 2020 [6 weeks before pretrial]	September 24, 2020 [7 weeks before pretrial]	Exchange Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof. Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall serve a disclosure identifying the line and page numbers to be offered.

¹ The Parties have jointly agreed to add the exchange of Reply Designations to this deadline.

<p>September 15, 2020</p> <p>Court designated date – not flexible without good cause - Motion Required</p>		<p>10:00 a.m. HEARING ON ANY REMAINING DISPOSITIVE MOTIONS (INCLUDING DAUBERT MOTIONS) before Judge Robert W. Schroeder III, Texarkana, Texas.</p>
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A proposed Docket Control Order is submitted herewith.

Dated: August 14, 2020

/s/ Jamie B. Beaber

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