

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

MAXELL, LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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CIVIL ACTION NO. 5:19-CV-00036-RWS

**ORDER**

Before the Court is the parties’ Joint Status Report Regarding Framework to Narrow Issues for Trial (Docket No. 603). After reviewing the parties’ respective positions and taking into account the scheduling constraints of this case, including the Court’s COVID-19 protocols, **IT IS ORDERED** as follows:

- Maxell shall narrow its case to no more than six patents and 10 asserted claims;
- Apple shall execute a representative product stipulation that is agreeable to Maxell by electing one model of each device for each patent, except where infringement requires multiple devices;
- Apple shall narrow its prior art invalidity challenges to one “ground” per patent, with a “ground” being one anticipatory reference or one obviousness combination, except that this narrowing will not apply to: (a) the prior art defenses to the three “navigation” patents (the ’317, ’498 and ’999 patents); or (b) Apple’s § 101 challenges.<sup>1</sup>

The parties are **ORDERED** to meet and confer and submit to the Court an agreed notice of their compliance with the above rulings within **14 days** of the issuance of this order.

<sup>1</sup> The parties have also raised in their status report issues regarding Apple's non-elected prior art references describing the state of the art. Docket No. 603 at 4. The parties have further briefed this issue in Maxell’s additional motion *in limine* (Docket No. 602) and Apple’s response (Docket No. 616). The Court will resolve the issue in its forthcoming order ruling on the parties’ motions *in limine*.

**SIGNED this 27th day of January, 2021.**

*Robert W Schroeder III*  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE