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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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JOINT NOTICE REGARDING PRETRIAL OBJECTIONS

Following Plaintiff Maxell, Ltd. (“Plaintiff” or “Maxell”) and Defendant Apple Inc.’s (“Apple”) joint submission of their pretrial objections on March 1, 2021 (D.I. 639), the parties continued to meet and confer regarding exhibit objections. As a result of such meet and confer, the parties state that they seek to present at least the following categories of exhibit objections to the Court at the Pretrial Conference:

Maxell Objections to Apple’s Proposed Trial Exhibits (D.I. 639 at Ex. A)

- DX 69, 70: Maxell objects to these exhibits, which are physical samples of MVC-FD88 cameras, based on at least authentication and foundation grounds.
- DX 130, 131, 134, 135, 470: Maxell objects to these exhibits, which consist of [REDACTED], based on at least relevance and prejudice grounds.
- DX 311-316: Maxell objects to these exhibits, which are images of a prior art device taken by Apple’s expert, based on at least the exhibits having not been timely produced, being outside the scope of expert reports, and as prejudicial.
- DX 472: Maxell objects to this exhibit, which is a 1983 article entitled “Hitachi Pleads Guilty, Apologizes in Industrial Espionage,” based primarily on relevance and prejudice grounds.

Apple Objections to Maxell’s Proposed Trial Exhibits (D.I. 639 at Ex. C)

- PX 56, 63-65, 67-68, 70, 78: Apple objects to these exhibits, which are [REDACTED]

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[REDACTED], based primarily on prejudice, lack of personal knowledge of the sponsoring witness, and FRE 408 grounds. Apple also objects to these exhibits on hearsay grounds to the extent they are offered for the truth of the matters asserted therein (i.e., alleged infringement by Apple). Apple further objects to PX 56 based on the Court's ruling on Apple's MIL #2 (Dkt. No. 634 at 14-15) regarding the ZTE verdict. The parties intend to continue to meet and confer on this issue prior to the Pretrial Conference which may narrow the scope of the disputed exhibits.

- PX 57, 58, 59: Apple objects to these exhibits, which are or relate to [REDACTED] based primarily on prejudice, lack of personal knowledge of the sponsoring witness, and FRE 408 grounds. Apple also objects to introduction of these exhibits based on the Court's summary judgment ruling (Dkt. No. 586 at 24-26) that [REDACTED] Dkt. No. 586 at 26. The parties intend to continue to meet and confer on this issue prior to the Pretrial Conference which may narrow the scope of the disputed exhibits.
- PX 73-74: Apple objects to these exhibits, which relate to [REDACTED], based primarily on relevance and prejudice grounds. PX 80, 81, 83, 84, 86: Apple objects to these exhibits, which are or relate to [REDACTED], based primarily on relevance and prejudice grounds.
- PX 87-89, 90, 97-102: Apple objects to these exhibits, which are or relate to [REDACTED], based primarily on relevance and prejudice grounds.
- PX 226: Apple objects to this exhibit, which is a 2012 article entitled, "Apple Maps: Tim Cook says he is 'extremely sorry,'" based primarily on relevance, prejudice, and hearsay grounds. Apple also objects to this exhibit based on the Court's ruling on Apple's MIL #6 (Dkt No. 634 at 18).
- PX 794: Apple objects to this exhibit, which is a transcript of proceedings in *Apple Inc. v. Samsung Electronics Co., Ltd., et al.*, C-11-01846, United States District Court Northern District of California, San Jose Division, based primarily on relevance, prejudice, and hearsay grounds. Apple also objects to this exhibit based on the Court's ruling on Apple's MIL #2.

The parties intend to continue the meet and confer process prior to the Pretrial Conference. As a result, the parties may identify additional issues to be raised at the Pretrial Conference.

The parties continue to believe that it would be more efficient to address certain, individual

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exhibit objections and objections to deposition designations during trial once it is more clear which exhibits and designations will be used.

Dated: March 9, 2021

/s/ Jamie B. Beaber

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Respectfully Submitted

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