

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

MAXELL, LTD.,

*Plaintiff,*

v.

APPLE INC.,

*Defendants.*

Case No. 5:19-cv-00036-RWS

**JURY TRIAL DEMANDED**

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**MAXELL, LTD.'S UNOPPOSED MOTION TO DISMISS  
WITH PREJUDICE CERTAIN CLAIMS OF THE '794 PATENT**

Pursuant to Fed. R. Civ. P. 41(a)(2), and in an effort to streamline issues for the above-captioned case, Plaintiff Maxell, Ltd. (“Maxell”) hereby agrees to dismiss with prejudice certain claims from these actions.

Specifically, Maxell agrees to dismiss with prejudice claims of infringement of the ’794 patent against iPads, iPods, and Apple Watches. Maxell maintains and does not dismiss its claims of infringement of the ’794 patent against iPhones. Apple does not object to Maxell reducing its damages total based on this narrowing of the case by reducing the total number of accused units.

Apple does not oppose this Motion.

At this time, Maxell maintains all claims and defenses not specifically enumerated above.

Dated: March 15, 2021

By: /s/ Jamie B. Beaber

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*Counsel for Plaintiff Maxell, Ltd.*

### **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel for Plaintiff met and conferred with counsel for Defendant on this issue on at least March 11-12, 2021. Counsel for Defendant indicated that it is unopposed to the relief sought in this motion.

*/s/ Jamie B. Beaber*  
\_\_\_\_\_  
Jamie B. Beaber

*/s/ Geoff Culbertson*  
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 15th day of March, 2021 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3)

/s/ Jamie B. Beaber  
Jamie B. Beaber