

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

MAXELL, LTD. §  
V. § CAUSE NO. 5:19-CV-00036-RWS  
APPLE, INC. §

---

MINUTES FOR MOTION HEARING  
HELD BEFORE JUDGE ROBERT W. SCHROEDER III  
MARCH 19, 2021

OPEN: 12:59 p.m.

ADJOURN: 2:40 p.m.

---

ATTORNEYS FOR PLAINTIFF: Jamie Beaber, Geoffrey Culbertson, Tripp Fussell, Alan Grimaldi, Kfir Levy and Kelly Tidwell

ATTORNEYS FOR DEFENDANT: Mark Fowler, Erin Gibson, Gil Gillam, Dawn Jenkins, Andrew Stein and Natalie Pous

LAW CLERK: Susan Stradley

COURTROOM DEPUTY: Shedera Combs

COURT REPORTER: Kate McAlpine

---

12:59 p.m. Case called; Parties introduce themselves and announce ready; Court welcomes everyone; Court reviews motion to be heard – Defendant Apple Inc.’s Motion to Strike and Renewed Motion for Partial Summary Judgment (Docket No. 664)

1:06 p.m. Kfir Levy argues motion

1:11 p.m. Court questions re Carnegie Mellon case; Mr. Levy responds

1:25 p.m. Court questions re meaning of Apple knew about it; Mr. Levy responds

1:32 p.m. Court questions how many patents were charted; Mr. Levy responds

1:38 p.m. Erin Gibson responds to motion argument

- 1:50 p.m. Mr. Levy replies
- 1:53 p.m. Court questions if Gart case involves claims of some offers to license plus identified claims; Mr. Levy responds
- 2:00 p.m. Court questions re other evidence not discussed re pre-suit notice and no trial testimony; Mr. Levy responds
- 2:01 p.m. Mr. Culbertson notifies the Court that an interpreter will be on standby during Mr. Nakamora's testimony; Court advises that interpreter will need to take oath prior to testimony
- 2:02 p.m. Mr. Culbertson addresses additional matters to be taken up by Court
- 2:02 p.m. Tripp Fussell presents agreement of parties on the withdrawal of '794 patent and raises objections to exhibits DX 130, 131, 134 and 135 as a result; Court asks for details of exhibits; Mr. Fussell responds
- 2:07 p.m. Ms. Gibson responds
- 2:11 p.m. Court asks if redaction would resolve issue; Mr. Fussell responds
- 2:12 p.m. Court questions if related to willfulness; Mr. Fussell responds
- 2:13 p.m. Court addresses issue if door is opened; Mr. Fussell responds
- 2:14 p.m. Mr. Fussell provides cite in record re willfulness
- 2:15 p.m. Mr. Levy addresses Dr. Simonson still testifying in light of Maxell no longer calling Dr. Erdem
- 2:19 p.m. Ms. Gibson responds
- 2:22 p.m. Court questions re Erdem testimony and asked parties to meet and confer; Mr. Gibson responds
- 2:24 p.m. Mr. Levy responds
- 2:26 p.m. Court asks parties to meet and will revisit issue during trial; Mr. Levy responds
- 2:28 p.m. Court notifies that parties should have received jury panel list and questionnaires
- 2:28 p.m. Mark Fowler addresses issues with witness Dr. Bovik; Court responds
- 2:29 p.m. Mr. Fowler addresses issue with witness who tested positive for COVID; Court

responds

- 2:30 p.m. Mr. Fowler request permission for in-house counsel to view remotely; Court will consider; Mr. Beaber responds; Court questions re how to handle; Mr. Fowler responds
- 2:23 p.m. Court will consider exhibit objections
- 2:33 p.m. Mr. Gillam questions re counsel in courtroom during trial; Court responds
- 2:33 p.m. Court will get order out tomorrow; Court reviews setup for voir dire and trial
- 2:36 p.m. Mr. Culbertson questions re microphone use for voir dire; Court responds
- 2:37 p.m. Mr. Gillam questions re trial team personnel viewing court remotely; Court asks for details; Mr. Gillam responds; Court denies
- 2:40 p.m. Adjourn