

**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

PROPOSED ORDER

Upon consideration of Plaintiff Maxell, Ltd.’s (“Maxell”) Unopposed Motion to Dismiss Without Prejudice the ’794 Patent, the Court finds that the Motion should be **GRANTED**.

U.S. Patent No. 6,329,794 (the “’794 patent”) will be dismissed from this case without prejudice. Maxell may not institute any legal action or administrative proceeding against Apple or any Apple products on the ’794 patent until the conclusion of the *inter partes* review proceedings on that patent (IPR2020-00199), which for avoidance of doubt also includes any appeals from the PTAB’s Final Written Decision in IPR2020-00199. Maxell further may not use any Apple product to satisfy any claim or claim element of the ’794 patent asserted by Maxell or its successors and assigns against any party until the conclusion of IPR2020-00199, including any appeals from the PTAB’s Final Written Decision.