

**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

LEAD CASE

JURY TRIAL DEMANDED

JOINT MOTION TO DISMISS

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff Maxell, Ltd. (“Maxell”) and Defendant Apple Inc. (Maxell and Apple are collectively, “the Parties”), hereby jointly move for dismissal with prejudice of all claims by Maxell against Apple. The Parties further move for an order that all costs and expenses relating to this litigation up to the time of dismissal shall be borne by the party incurring same. A proposed order accompanies this motion.

Respectfully submitted,

Dated: March 24, 2021

/s/ Jamie B. Beaber

Geoff Culbertson
Kelly Tidwell
Patton, Tidwell & Culbertson, LLP
2800 Texas Boulevard (75503)
Post Office Box 5398
Texarkana, TX 75505-5398
Telephone: (903) 792-7080
Facsimile: (903) 792-8233
gpc@texarkanalaw.com
kbt@texarkanalaw.com

Jamie B. Beaber
Alan M. Grimaldi
Kfir B. Levy

James A. Fussell, III
Baldine B. Paul
Tiffany A. Miller
Saqib J. Siddiqui
Bryan C. Nese
William J. Barrow
Alison T. Gelsleichter
Clark S. Bakewell
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006
Telephone: (202) 263-3000
Facsimile: (202) 263-3300
jbeaber@mayerbrown.com
agrimaldi@mayerbrown.com
klevy@mayerbrown.com
jfussell@mayerbrown.com
bpaul@mayerbrown.com
tmiller@mayerbrown.com
ssiddiqui@mayerbrown.com
bnese@mayerbrown.com
wbarrow@mayerbrown.com
agelsleichter@mayerbrown.com
cbakewell@mayerbrown.com

Robert G. Pluta
Amanda Streff Bonner
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
(312) 782-0600
rpluta@mayerbrown.com
asbonner@mayerbrown.com

Counsel for Plaintiff Maxell, Ltd.

Dated: March 24, 2021

Respectfully Submitted

By: /s/ Mark D. Fowler
Melissa Richards Smith
Texas Bar No. 24001351
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, TX 75670

Telephone: (903) 934-8450
Facsimile: (903) 934-9257
Email: melissa@gillamsmithlaw.com

Mark D. Fowler (*Pro Hac Vice*)
Brent K. Yamashita
Christian Chessman
DLA PIPER LLP (US)
2000 University Ave.
East Palo Alto, CA 94303-2214
Tel: 650.833.2000
Fax: 650.833.2001

Sean C. Cunningham (*Pro Hac Vice*)
Erin P. Gibson (*Pro Hac Vice*)
Kevin Hamilton (*Pro Hac Vice*)
David R. Knudson (*Pro Hac Vice*)
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101
Tel: 619.699.2700
Fax: 619.699.2701

Michael Jay (*Pro Hac Vice*)
DLA PIPER LLP (US)
2000 Avenue of the Stars, Suite 400
Los Angeles, CA 90067
Tel: 310.595.3000
Fax: 310.595.3300

Aaron G. Fountain
Zachary Loney
DLA PIPER LLP (US)
401 Congress Avenue, Suite 2500
Austin, Texas 78701-3799
Tel: 512.457.7000
Fax: 512.457.7001

Dawn M. Jenkins
DLA PIPER LLP (US)
1000 Louisiana, Suite 2800
Houston, TX 77002-5005
Tel: 713.425.8490
Fax: 713.300.6012

Paul Steadman (*Pro Hac Vice*)
Stephanie Lim (*Pro Hac Vice*)

DLA PIPER LLP (US)

444 West Lake Street, Ste. 900

Chicago, IL 60606

Tel: 312.368.4000

Fax: 312.236.7516

Luann L. Simmons (*Pro Hac Vice*)

lsimmons@omm.com

O'MELVENY & MYERS LLP

Two Embarcadero Center 28th Floor

San Francisco, CA 94111

Telephone: 415-984-8700

Facsimile: 415-984-8701

COUNSEL FOR DEFENDANT APPLE INC.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 24th 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