

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. §

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MINUTES FOR MOTION HEARING  
HELD BEFORE JUDGE ROBERT W. SCHROEDER III  
SEPTEMBER 17, 2019

OPEN: 10:02 a.m.

ADJOURN: 2:52 p.m.

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ATTORNEYS FOR PLAINTIFF: Jamie Beaber, Geoff Culbertson, James Fussell, Kfir Levy  
and Kelly Tidwell

ATTORNEYS FOR DEFENDANT: LuAnn Simmons, Melissa Smith, Andrew Stein and  
Vincent Zhon

LAW CLERK: Wills Collier

COURTROOM DEPUTY: Shedera Combs

COURT REPORTER: Anna Lafrenz

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10:02 a.m. Case called; Parties make introductions and announce ready; Court welcomes everyone

10:04 a.m. Geoff Culbertson introduces Maxell representatives and addresses issues which will require sealing of the courtroom; LuAnn Simmons confirms; James Fussell clarifies reasoning for need to seal the courtroom and how that will be handled

10:05 a.m. Ms. Simmons argues motion to transfer

10:07 a.m. Courtroom sealed

10:24 a.m. Court questions; Ms. Simmons responds

10:27 a.m. Mr. Fussell responds re motion to transfer

10:48 a.m. Ms. Simmons responds re motion to transfer

- 10:53 a.m. Mr. Fussell responds re motion to transfer
- 10:54 a.m. Courtroom unsealed
- 10:55 a.m. Ms. Simmons continues argument re motion to transfer
- 10:57 a.m. Court questions re unrebutted document location; Ms. Simmons responds
- 10:59 a.m. Court questions re unrebutted technical evidence located in NDCA; Ms. Simmons responds
- 11:00 a.m. Ms. Simmons requests to seal the courtroom due to identities of Apple witnesses; Mr. Culbertson responds; Court will allow redaction motion to be filed after hearing
- 11:04 a.m. Court questions re document location when referring to servers; Ms. Simmons responds
- 11:11 a.m. Ms. Simmons requests argument on next two slides to be sealed; Court allows
- 11:16 a.m. Court questions re Apple witness from Texas; Ms. Simmons responds
- 11:18 a.m. Mr. Culbertson responds re motion to transfer on 1404 factors
- 11:26 a.m. Court questions re MRDA offices; Mr. Culbertson responds; Court asks if this is in the records; Mr. Culbertson responds
- 11:30 a.m. Court questions re components; Mr. Culbertson responds
- 11:36 a.m. Court questions re witnesses; Mr. Culbertson responds
- 11:49 a.m. Ms. Simmons responds re motion to transfer
- 11:58 a.m. Mr. Culbertson responds re motion to transfer
- 11:59 a.m. Court inquires re motion to compel; Kfir Levy responds; Court will break for lunch and resume at 1:15 p.m.
- 12:00 p.m. Recess
- 1:16 p.m. Court will hear Maxell's motion to compel
- 1:17 p.m. Mr. Levy argues motion to compel
- 1:30 p.m. Court questions re what documents Apple has not produced; Mr. Levy responds

1:34 p.m. Court questions re expert discovery; Mr. Levy responds

1:44 p.m. Melissa Smith states this information is under seal; Mr. Levy responds; Court asks if courtroom needs to be sealed; Mr. Levy responds; Ms. Smith responds

1:46 p.m. Court questions re future sales; Mr. Levy responds

1:48 p.m. Mr. Levy requests to seal the courtroom

1:48 p.m. Courtroom sealed

1:58 p.m. Courtroom unsealed

2:00 p.m. Ms. Smith responds re motion to compel

2:05 p.m. Court questions re meet and confer; Ms. Smith responds; Court questions re Plaintiff's slide #7 (document production); Ms. Smith responds

2:10 p.m. Court questions re Apple technical documents; Ms. Smith responds

2:18 p.m. Court questions re licenses production; Ms. Smith responds

2:19 p.m. Court questions re technical documents; Ms. Smith responds

2:22 p.m. Court questions re commercial customers; Ms. Smith responds

2:27 p.m. Court questions re feasibility v. possibility; Ms. Smith responds

2:30 p.m. Court questions re stipulation on future sales; Ms. Smith responds; Mr. Levy responds; Ms. Smith responds; Court questions re agreement; Mr. Levy responds

2:33 p.m. Court questions re depositions on information being sought; Mr. Levy responds

2:39 p.m. Court questions re Apple's responses; Mr. Levy responds

2:41 p.m. Court questions re technical documents; Mr. Levy responds

2:45 p.m. Ms. Smith responds re motion to compel

2:49 p.m. Mr. Levy responds re motion to compel

2:51 p.m. Court thanks the parties and will get orders on these motions out

2:52 p.m. Adjourned