

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NEONODE SMARTPHONE LLC,

Plaintiff,

v.

APPLE INC.,

Defendants.

Civil Action No. 6:20-cv-00505-ADA

JURY TRIAL DEMANDED

**APPLE INC.'S RESPONSE TO NEONODE SMARTPHONE LLC'S MOTION FOR
ISSUANCE OF LETTER OF REQUEST**

Defendant Apple Inc. ("Apple") hereby responds to Plaintiff Neonode Smartphone LLC's ("Neonode Smartphone") Motion for Issuance of Letter of Request to Examine Persons, Inspect Documents and Inspect Property Pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters ("Motion") (Dkt. No. 43).

Apple does not oppose Neonode Smartphone's Motion, though notes that Neonode Smartphone failed to wait for Apple's response during the meet and confer process as required by the Local Rules in this District before filing its allegedly opposed Motion. *See* Local Rule CV-7-2(i) ("The court may refuse to hear or may deny a nondispositive motion unless the movant advises the court within the body of the motion that counsel for the parties have first conferred in a good-faith attempt to resolve the matter by agreement and, further, certifies the specific reason that no agreement could be made."); *see also* Attachment A (parties' correspondence related to the Motion); Dkt. No. 43.

Date: February 16, 2021

Respectfully submitted,
FISH & RICHARDSON P.C.

By: /s/ Betty Chen
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COUNSEL FOR DEFENDANT APPLE INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 16, 2021 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(b)(1).

/s/ Betty Chen
Betty Chen