Julian Pymento

From: Danford, Andrew J <Andrew.Danford@wilmerhale.com>
Sent: Friday, October 24, 2025 4:34 PM
To: Julian Pymento; WH Apple Avant-Service; travis@gillamsmithlaw.com; Tom@gillamsmithlaw.com; melissa@gillamsmithlaw.com
Cc: Avant Location; rfink@davisfirm.com; bdavis@davisfirm.com; twilson@davisfirm.com
Subject: RE: Avant Location Technologies v. Apple, 2:24-cv-00757 (EDTX)

Julian,

We agree that each party may, of course, retain its own confidential information, and we will do so for those materials you have identified from the EDTX litigation.

--Andrew

From: Julian Pymento <jpymento@fabricantllp.com>
Sent: Friday, October 24, 2025 3:06 PM
To: Danford, Andrew J <Andrew.Danford@wilmerhale.com>; WH Apple Avant-Service <WHAppleAvant-Service@wilmerhale.com>; travis@gillamsmithlaw.com; Tom@gillamsmithlaw.com; melissa@gillamsmithlaw.com
Cc: Avant Location <avantlocation@fabricantllp.com>; rfink@davisfirm.com; bdavis@davisfirm.com; twilson@davisfirm.com
Subject: RE: Avant Location Technologies v. Apple, 2:24-cv-00757 (EDTX)

EXTERNAL SENDER

Andrew,

ALT disagrees with your characterization of the procedural posture. Moreover, ALT already agreed to destroy all of Apple's confidential information pursuant to the EDTX Protective Order.

Your responses so far do not address the fundamental point of ALT's emails regarding production retention to streamline discovery in the WDTX case. ALT proposes that each party retain its own confidential information produced in the EDTX litigation. ALT clarifies that, on Apple's part, this retention should include Apple's discovery responses, documents, and source code print outs produced by Apple in the EDTX litigation as well as any documents that ALT served on Apple that include Apple confidential information / source code (e.g., ALT's source code amended infringement contentions). Please confirm whether Apple agrees with this proposal. Thank you.

FABRICANTLLP

Julian Pymento
Associate

Fabricant LLP

T: 646-797-4341
jpymento@fabricantllp.com
fabricantllp.com

From: Danford, Andrew J <Andrew.Danford@wilmerhale.com>
Sent: Wednesday, October 22, 2025 9:14 AM
To: Julian Pymento <jpymento@fabricantllp.com>; WH Apple Avant-Service <WHAppleAvant-Service@wilmerhale.com>; travis@gillamsmithlaw.com; Tom@gillamsmithlaw.com; melissa@gillamsmithlaw.com

Cc: Avant Location <avantlocation@fabricantllp.com>; rfink@davisfirm.com; bdavis@davisfirm.com; twilson@davisfirm.com
Subject: RE: Avant Location Technologies v. Apple, 2:24-cv-00757 (EDTX)

Julian,

Apple has not done anything to increase the costs of the litigation, and there is no basis for Avant to suggest that Apple has done anything to render this case exceptional. Indeed, your accusation has it backwards, as Avant's dismissal of its own complaint and refiling in the Western District of Texas has imposed unnecessary costs on Apple.

The protective order requires that Avant destroy or return any confidential material produced by Apple in the EDTX case. Any costs associated with the protective order compliance are a result of Avant's decision to sue Apple in a judicial district in which venue was improper, abandon the first case after it was transferred, and refile in a different judicial district. Consistent with its conduct throughout this case, Apple will continue to litigate with an eye to avoiding unnecessary costs for the parties and will comply with its obligations in the WDTX case in accordance with the schedule and discovery requirements for that case.

Best,
Andrew

From: Julian Pymento <jpymento@fabricantllp.com>
Sent: Monday, October 20, 2025 1:43 PM
To: Danford, Andrew J <Andrew.Danford@wilmerhale.com>; WH Apple Avant-Service <WHAppleAvant-Service@wilmerhale.com>; travis@gillamsmithlaw.com; Tom@gillamsmithlaw.com; melissa@gillamsmithlaw.com
Cc: Avant Location <avantlocation@fabricantllp.com>; rfink@davisfirm.com; bdavis@davisfirm.com; twilson@davisfirm.com
Subject: RE: Avant Location Technologies v. Apple, 2:24-cv-00757 (EDTX)

EXTERNAL SENDER

Andrew,

ALT confirms it will destroy all of Apple's produced confidential information (and documents including such confidential information) pursuant to the EDTX Protective Order. However, we note that Apple's conduct of purposefully and unnecessarily running up the costs of litigation for any duplicative discovery renders the WDTX litigation an exceptional case. ALT advises Apple of its obligation not to destroy anything that Apple has already produced or served in the EDTX litigation, including but not limited to Apple's discovery responses, documents, and source code print outs produced by Apple in the EDTX litigation as well as any documents that ALT served on Apple that include Apple confidential information / source code (e.g., ALT's source code amended infringement contentions). ALT's very first discovery request of Apple will be for all of this plainly relevant material from the EDTX litigation that is in Apple's custody, possession, and control.

FABRICANTLLP

Julian Pymento
Associate

Fabricant LLP

T: 646-797-4341
jpymento@fabricantllp.com

fabricantllp.com

From: Danford, Andrew J <Andrew.Danford@wilmerhale.com>
Sent: Wednesday, October 15, 2025 5:56 PM
To: Julian Pymento <jpymento@fabricantllp.com>; WH Apple Avant-Service <WHAppleAvant-Service@wilmerhale.com>; travis@gillamsmithlaw.com; Tom@gillamsmithlaw.com; melissa@gillamsmithlaw.com
Cc: Avant Location <avantlocation@fabricantllp.com>; rfink@davisfirm.com; bdavis@davisfirm.com; twilson@davisfirm.com
Subject: RE: Avant Location Technologies v. Apple, 2:24-cv-00757 (EDTX)

Julian,

We do not agree. Avant chose to dismiss the original case, and the parties must destroy or return the confidential information produced by the other party under paragraph 24 of the protective order now that the case is concluded. We expect that Avant will comply in a timely manner.

Apple will respond to the new complaint in due course. As you know, the Western District of Texas (to the extent that the case remains there) has different discovery procedures and practices than the Eastern District of Texas, and of course individual judges have their own rules to which the parties will need to comply. Therefore, the discovery from the original case may not simply port over to the newly-filed case as you seem to assume.

Please confirm that Avant will destroy or return any confidential information produced by Apple in compliance with the protective order.

Best,
Andrew

From: Julian Pymento <jpymento@fabricantllp.com>
Sent: Wednesday, October 15, 2025 4:50 PM
To: WH Apple Avant-Service <WHAppleAvant-Service@wilmerhale.com>; travis@gillamsmithlaw.com; Tom@gillamsmithlaw.com; melissa@gillamsmithlaw.com
Cc: Avant Location <avantlocation@fabricantllp.com>; rfink@davisfirm.com; bdavis@davisfirm.com; twilson@davisfirm.com
Subject: RE: Avant Location Technologies v. Apple, 2:24-cv-00757 (EDTX)

EXTERNAL SENDER

Counsel,

Following up on my email below.

Julian Pymento
Associate

Fabricant LLP

T: 646-797-4341
jpymento@fabricantllp.com
fabricantllp.com

From: Julian Pymento
Sent: Wednesday, October 8, 2025 11:34 AM
To: WH Apple Avant-Service <WHAppleAvant-Service@wilmerhale.com>; travis@gillamsmithlaw.com; Tom@gillamsmithlaw.com; melissa@gillamsmithlaw.com
Cc: Avant Location <avantlocation@fabricantllp.com>; rfink@davisfirm.com; bdavis@davisfirm.com; twilson@davisfirm.com
Subject: Avant Location Technologies v. Apple, 2:24-cv-00757 (EDTX)

Counsel,

The Protective Order in the referenced case requires us to delete all confidential information in this case upon dismissal. However, given that the case has been refiled in WDTX, please confirm that the parties can mutually agree to retain each other's confidential information, source code print outs, productions, discovery responses, etc. to prevent duplicative discovery efforts in the WDTX case.

Julian Pymento
Associate

Fabricant LLP

T: 646-797-4341
jpymento@fabricantllp.com
fabricantllp.com