

Miscellaneous Docket No. 21-187

IN THE
United States Court of Appeals for the Federal Circuit

IN RE APPLE INC.,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Western District of Texas
No. 6:21-cv-00926-ADA, Hon. Alan D Albright

**APPLE INC.'S REPLY IN SUPPORT OF EMERGENCY
MOTION FOR A STAY OF THE DISTRICT COURT'S
RE-TRANSFER ORDER PENDING RESOLUTION OF
MANDAMUS PETITION**

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INTRODUCTION

Apple petitioned for mandamus because the district court impermissibly re-transferred this case to the Waco Division without statutory authority, directly contravening *In re Intel Corp.*, 841 F. App'x 192 (Fed. Cir. 2020) (“*Intel I*”). Apple moved for a stay because that clear abuse of discretion happened on the eve of trial. Without a pause in district court proceedings, a Waco trial will begin in eight days, effectively insulating the re-transfer order from this Court’s review.

The Court’s stay authority exists for cases like this. Granting Apple’s motion will ensure that the Court has time to meaningfully act on a compelling petition for mandamus relief. It will prevent several irreparable harms to Apple, including the likely loss of a critical third-party witness and heightened exposure to COVID-19 during a rushed move to Waco. A stay will also serve the public’s interest in safety, proper venue, and conservation of judicial resources. Fintiv, meanwhile, would suffer no harm from a short delay.

Fintiv’s only answer is a litany of misrepresentations and unfounded accusations. Its mootness argument is belied by the fact that the district court ultimately postponed this trial by a single day—

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