

Miscellaneous Docket No. 22-162

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IN THE  
**United States Court of Appeals for the Federal Circuit**

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IN RE APPLE INC.,

*Petitioner.*

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On Petition for Writ of Mandamus to the  
United States District Court for the  
Western District of Texas  
No. 6:21-cv-01101-ADA, Hon. Alan D Albright

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**APPLE INC.'S REPLY IN SUPPORT OF  
PETITION FOR WRIT OF MANDAMUS**

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## INTRODUCTION

Apple's petition demonstrated that the district court here committed the same clear abuse of discretion that this Court has previously cured through the exercise of its mandamus authority. Indeed, the district court here did not merely let a fully briefed transfer motion linger on the docket. It affirmatively ordered the parties to spend another eight months completing fact discovery on the merits, taking numerous other substantive steps to prepare this case for trial, and then re-briefing the transfer issue, at which point—a full year after Apple's transfer motion was filed—the district court will consider transfer.

Aire's opposition confirms that neither party asked for or wanted this result. And Aire offers no defense of the district court's order, other than to blame Apple. Aire first blames Apple for the court-ordered delay, because Apple sought to supplement the venue record. Aire concedes, however, that Apple's supplement contained no new evidence; it merely confirmed the information already provided by Apple's corporate venue declarant. And, contrary to Aire's assertion, Apple told the district court that it did not believe this supplement required any

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