

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

FINTIV, INC.,

*Plaintiff*

-VS-

APPLE INC.,

*Defendant*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

1:19-CV-01238-ADA

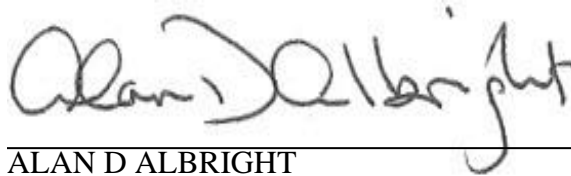
**ORDER**

Plaintiff Fintiv, Inc. (“Fintiv”) initiated this action on December 21, 2018 in the Waco Division of this District. Dkt. 1. Defendant Apple Inc. (“Apple”) moved to transfer this action under 28 U.S.C. § 1404(a) to the Northern District of California (“NDCA”) or alternatively to the Austin Division of this District. Dkt. 40. After considering the parties’ briefing and oral arguments, the Court denied Apple’s motion to transfer venue to the NDCA, but granted its alternative motion to transfer to the Austin Division of this District. Dkt. 73. On December 20, 2019, the Federal Circuit denied Apple’s petition for a writ of mandamus and upheld this Court ruling to transfer this action to the Austin Division. Dkt. 89. Three days later, this action was officially transferred to the Austin Division and was subsequently set for jury trial in the Austin courthouse starting on October 4, 2021.

After this action was transferred to the Austin Division in December 2019, the COVID-19 pandemic began in the United States in March 2020. Jury trials in the Austin courthouse has largely been suspended ever since. Until this date, it remains uncertain whether the Austin courthouse will be open for jury trial in the foreseeable future. Therefore, the Court finds that the intervening COVID-19 pandemic has frustrated the original purpose of transferring this action to

the Austin Division. If this case remains in the Austin Division, the jury trial will remain in limbo for an indefinite period of time. As such, the Court **ORDERS** that this case be **TRANSFERRED** back to the Waco Division.

SIGNED this 8th day of September, 2021.



---

ALAN D ALBRIGHT