

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

RFCYBER CORP.,	§	Case No. 6:21-cv-00916-ADA
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
APPLE, INC.,	§	
	§	
Defendant.	§	
	§	

ORDER ON JUNE 13, 2022 VENUE DISCOVERY DISPUTE HEARING

On June 13, 2022, the Court held a discovery hearing regarding venue discovery disputes.

This Order memorializes the Court’s rulings as follows:

1. RFCyber’s Venue Interrogatory No. 1

It is hereby ORDERED that Apple shall respond to Interrogatory No. 1 by identifying all groups or departments that perform(ed) any work related to Apple Pay, Apple Cash, Apple Wallet, Passkit, and/or related software or hardware in the Western District of Texas, by identifying the total number of employees located within the Western District of Texas for each group or department, and by providing the following information for the lead employee and/or managing employee of each department and/or group: (i) name; (ii) title within Apple; (iii) current/former business unit and department; (iv) other current/former working groups within Apple; (v) town/city of residence and area code; (vi) a description of their work related to the Accused Products, including their role and responsibilities.

2. RFCyber's Venue Interrogatory No. 2

It is hereby ORDERED that Apple shall respond to Interrogatory No. 2 by describing the scope and nature of all work related to Apple Pay, Apple Cash, Apple Wallet, Passkit, and/or related software or hardware performed in the Western District of Texas, including but not limited to work related to fraud detection services, development of identity related aspects of Apple Wallet (such as loading your driver's license into the Wallet), access capabilities (such as using your iPhone as a hotel keycard or as a car key), e-commerce, server-side software for processing payments in instances where Apple is acting as the merchant (such as when a consumer purchases a product through Apple's website), and quality control testing.

3. RFCyber's Venue Interrogatory No. 3

It is hereby ORDERED that Apple shall respond to Interrogatory No. 3 by identifying all document repositories related to Apple Pay, Apple Cash, Apple Wallet, and/or related software or hardware accessible in the Western District of Texas, *i.e.* the universe of relevant documents referenced in the April 12, 2022 declaration of Mark Rollins, including: (i) the file system or repository on which the documents are kept; (ii) the directory path, URL, or other identifier of the repository or folder in which the documents are accessible; (iii) a description of the documents available in that repository or folder.

4. RFCyber's Venue Interrogatory No. 4

It is hereby ORDERED that Apple shall respond to Interrogatory No. 4 by identifying all business travel to the Western District of Texas since January 1, 2018, by any potential witness identified in Apple's transfer motion to the extent that information is within Apple's possession, custody, or control (*e.g.* Tony Diederich, Chris Sharp, Akila Suresh, Manan Biyani, Jayna Whitt, Mark Rollins, Mohammad Anwar Khan, Pradeep Kumar, Roshan Vijayshankar, Ming-Li Liu, and Nahendra Narayanan) or by any other potential witnesses proffered by Apple (*i.e.* Yousuf Vaid

and Jeff Lasker), including: (i) the dates of that travel; (ii) the locations visited in the Western District of Texas; and (iii) the business purpose of that travel.

5. RFCyber's Venue RFP No. 2

RFCyber's motion to compel production of communications related to this action between Apple Personnel, their representatives or attorneys, and any current or former NXP or Philips Personnel, or their representatives or attorneys is hereby DENIED, however RFCyber is GRANTED leave to serve a subpoena on NXP regarding venue issues other than those communications between Apple and NXP related to this action for which RFCyber's request for relief was denied.

6. RFCyber's Venue RFP No. 3

It is hereby ORDERED that Apple shall respond to RFP No. 3 by producing communications and/or correspondence between Apple's potential witnesses (*e.g.* Tony Diederich, Chris Sharp, Akila Suresh, Manan Biyani, Jayna Whitt, Mark Rollins, Yousuf Vaid, and Jeff Lasker) and any Apple personnel in the Western District of Texas related to Apple Pay, Apple Cash, Apple Wallet, Passkit, and/or hardware or software related thereto. If Apple is unable to provide a comprehensive response with non-email documentation within 10 days, then Apple shall expand its production to email communications and/or correspondence. To the extent this discovery request becomes unduly burdensome, the parties are welcome to meet-and-confer and approach the Court for guidance.

7. RFCyber's Venue RFP No. 4

It is hereby ORDERED that Apple shall respond to RFP No. 4 by producing all documents describing or defining the scope of work related to Apple Pay, Apple Cash, Apple Wallet, and/or related software or hardware performed by current or former Apple Personnel in the Western

District of Texas, including any documents describing the work described in response to Interrogatory No. 2.

Dated: June 20, 2022


DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE