

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

RFCYBER CORP.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:21-cv-00916-ADA-DTG
	§	
APPLE, INC.,	§	
	§	
Defendant.	§	
	§	

ORDER ON JULY 1, 2022 VENUE DISCOVERY DISPUTE HEARING

This Court, having considered the parties’ discovery disputes concerning the scope of venue discovery during the July 1, 2022 hearing hereby ORDERS the following:

a. Extension of Deadlines

It is hereby ORDERED that Apple shall provide any supplemental venue interrogatory responses and venue-related document productions by July 15, 2022. No later than July 8, the parties shall agree on dates for the depositions of Thien Pham, Divya Patnaik, and Deepak Kumar no later than July 27, 2022 and at least seven days after the completion of the deponent’s document production.

b. RFCyber’s Venue Interrogatory No. 5

It is hereby ORDERED that Apple shall supplement its response to Interrogatory No. 5 by identifying the names and locations of the servers comprising its data centers and content delivery networks (a.k.a. CDNs), and of servers that house documents collected via Apple’s inSync backup system, to the extent such information is within Apple’s possession, custody, or control. It is further ORDERED that Apple’s general objections based on whether a server is leased or owned

by Apple are overruled, and that Apple shall supplement its response with any additional information in its possession, custody, or control regarding leased servers on which Apple stores documents related to the Accused Products, or confirm that Apple is not withholding any information on the basis that any server is leased. RFCyber's request to compel Apple to request the location of leased servers from third parties Amazon and Box is DENIED, however RFCyber is GRANTED leave to serve venue-related subpoenas to Amazon and Box.

c. RFCyber's Venue RFP Nos. 6-10

It is hereby ORDERED that Apple shall respond to venue RFP Nos. 6-10 by producing documents representative of all documents related to Apple Pay, Apple Cash, Apple Wallet, Passkit, and related software or hardware which Kim Tryggestad, Deepak Kumar, Divya Patnaik, Thien Pham, or Abdullah Rababah have access to for the purpose of performing their respective job duties. For the avoidance of doubt, RFCyber is free to inquire regarding the employees' authorization to access other categories of documents during their depositions.

Dated: July 11, 2022


Derek T. Gilliland
United States Magistrate Judge