

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
PETITION FOR WRIT OF MANDAMUS**

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INTRODUCTION

Apple’s petition presented a straightforward case for mandamus: The district court here, having previously concluded under 28 U.S.C. § 1404(a) that the “convenience of parties and witnesses” and the “interest of justice” warranted transfer of venue to the Austin Division of the Western District of Texas, re-transferred the case to the Waco Division shortly before trial was set to commence. It did so without citing any authority, without analyzing the § 1404(a) factors, and without identifying any change that had undermined the original rationale for transfer from Waco to Austin. In short, the district court failed to do exactly what this Court held is required when it issued a writ of mandamus to the same district court in highly similar circumstances last year. *See In re Intel Corp.*, 841 F. App’x 192 (Fed. Cir. 2020) (“*Intel I*”).

The district court instead relied exclusively on the effects of the COVID-19 pandemic and the fact that this case, like every other civil case pending in Austin, might not be able to go to trial on its scheduled date due to the restrictions on courthouse access that the Austin Division has put in place to deal with the ongoing public health crisis

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