

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 EMERGENCY
MOTION FOR A STAY OF THE DISTRICT COURT'S
RE-TRANSFER ORDER PENDING RESOLUTION OF
MANDAMUS PETITION**

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
INTRODUCTION	1
ARGUMENT	3
I. Apple’s Stay Motion Is Not Moot.	3
II. The Court Should Stay The District Court’s Re- Transfer Order Pending Mandamus Review.	4
A. Apple’s petition makes a compelling case for mandamus.	5
B. Absent a stay, Apple would be irreparably harmed by participating in the forthcoming Waco Division trial.	8
C. A brief stay would not harm Fintiv.	11
D. The public interest strongly favors a stay.	12
CONCLUSION	14
CERTIFICATE OF INTEREST	
CERTIFICATE OF COMPLIANCE	

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>In re Cragar Indus., Inc.</i> , 706 F.2d 503 (5th Cir. 1983).....	5
<i>Hilton v. Braunskill</i> , 481 U.S. 770 (1987)	4, 5
<i>In re Hulu, LLC</i> , --- F. App'x ---, 2021 WL 3278194 (Fed. Cir. Aug. 2, 2021)	8
<i>In re Intel Corp.</i> , 841 F. App'x 192 (Fed. Cir. 2020).....	1, 5, 6, 7
<i>In re Juniper Networks, Inc.</i> , --- F.4th ---, 2021 WL 4343309 (Fed. Cir. Sept. 24, 2021)	8
<i>In re Lloyd's Register N. Am., Inc.</i> , 780 F.3d 283 (5th Cir. 2015).....	9
<i>Nken v. Holder</i> , 556 U.S. 418 (2009)	4, 9, 11
<i>Standard Havens Prods., Inc. v. Gencor Indus., Inc.</i> , 897 F.2d 511 (Fed. Cir. 1990)	5
<i>In re Volkswagen of Am., Inc.</i> , 545 F.3d 304 (5th Cir. 2008).....	9
Statutes	
28 U.S.C. § 1404(a)	5, 6, 7, 9
Rules	
Fed. Cir. R. 8(c)	3

Other Authorities

CDC, <i>Domestic Travel During COVID-19</i> , https://tinyurl.com/2bj6v8hv (updated Aug. 25, 2021)	10
Rhiannon Saegert, <i>Waco region sees highest COVID-19 hospitalization rate in Texas</i> , Waco Tribune-Herald (Sept. 17, 2021).....	9

INTRODUCTION

Apple petitioned for mandamus because the district court impermissibly re-transferred this case to the Waco Division without statutory authority, directly contravening *In re Intel Corp.*, 841 F. App'x 192 (Fed. Cir. 2020) (“*Intel I*”). Apple moved for a stay because that clear abuse of discretion happened on the eve of trial. Without a pause in district court proceedings, a Waco trial will begin in eight days, effectively insulating the re-transfer order from this Court’s review.

The Court’s stay authority exists for cases like this. Granting Apple’s motion will ensure that the Court has time to meaningfully act on a compelling petition for mandamus relief. It will prevent several irreparable harms to Apple, including the likely loss of a critical third-party witness and heightened exposure to COVID-19 during a rushed move to Waco. A stay will also serve the public’s interest in safety, proper venue, and conservation of judicial resources. Fintiv, meanwhile, would suffer no harm from a short delay.

Fintiv’s only answer is a litany of misrepresentations and unfounded accusations. Its mootness argument is belied by the fact that the district court ultimately postponed this trial by a single day—

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