

Miscellaneous Docket No. 22-162

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-01101-ADA, Hon. Alan D Albright

**APPLE INC.'S REPLY IN SUPPORT OF EMERGENCY MOTION
FOR A STAY OF PROCEEDINGS IN THE DISTRICT COURT
PENDING RESOLUTION OF APPLE'S MANDAMUS PETITION**

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INTRODUCTION

Apple Inc. petitioned for mandamus because the district court impermissibly postponed ruling on Apple’s fully briefed transfer motion for more than eight months, while ordering the parties to complete fact discovery and take other substantive steps in the litigation. Apple moved for a stay in the district court pending this Court’s review of the mandamus petition and then, after not receiving a ruling on that motion, moved for a stay in this Court. The district court has since denied Apple’s stay motion.

Apple moved for a stay because the district court was moving “ahead on the merits in significant respects.” *In re Apple Inc.*, 979 F.3d 1332, 1338 (Fed. Cir. 2020). Without a pause in the district court proceedings, the parties will continue proceeding through fact discovery and other substantive aspects of this case, and the district court will address the merits of the case, such as hearing discovery disputes.

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 spending time and resources

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