

Miscellaneous Docket No. 23-135

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. 6:22-cv-351-ADA, Hon. Alan D Albright

**APPLE INC.'S REPLY IN SUPPORT OF
PETITION FOR WRIT OF MANDAMUS**

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INTRODUCTION

To be clear: the district court found that Lionra (not Apple) engaged in venue discovery misconduct. Most of Lionra's opposition is premised on the notion that it did nothing wrong and that, if anyone acted improperly, it was Apple. But the district court agreed that Lionra made an "untimely disclosure" when it refused to tell Apple during discovery which employees it was going to argue were relevant, then sprang those names on Apple only after discovery had closed. Appx6. This was no mere "technical violation," as Lionra would have it. Opp. 8. On the contrary, the very evidence Lionra improperly withheld was decisive in the district court's decision to deny transfer.

The district court reached that decision only by deeming Lionra's error harmless. Lionra barely attempts to defend that ruling, and it fails to rebut Apple's demonstration that this was a clear abuse of discretion. Lionra instead tries to paint this case as raising an ordinary discovery dispute within the district court's discretion. But as Apple's petition showed, the district court's reasoning here was outside the bounds of that discretion. It was procedurally and substantively flawed. And, if left intact, it will incentivize future plaintiffs to engage

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