

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

CARBYNE BIOMETRICS, LLC,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Civil Action No. 1:23-cv-00324

JURY TRIAL

**PLAINTIFF CARBYNE BIOMETRICS, LLC'S RESPONSE TO DEFENDANT APPLE
INC.'S OPPOSED MOTION TO STAY PENDING THE COURT'S WRITTEN ORDER
ON TRANSFER**

For the second time, Apple moves to stay all proceedings in this case pending the Court's issuance of a written order explaining the bases for its ruling on Apple's Motion to Transfer Venue Under 28 U.S.C. § 1404(a) (Dkt. 34). The Court should deny Apple's motion because a stay is unnecessary and unwarranted. The Court has already denied Apple's transfer motion and has confirmed in email correspondence with the parties that it will issue a written order in the coming days, which will moot Apple's request for a stay. *See* Dkt. 73-2. Given the imminence of the Court's written order, a stay is not warranted for the same reasons Carbyne explained in its response in opposition to Apple's previous motion to stay, *see* Dkt. 66,¹ and there are no new facts or circumstances that require additional briefing. Apple's motion to stay should therefore be denied.

¹ Carbyne incorporates the arguments and points of law raised in its response to Apple's previously filed motion to stay at Dkt. 66.

Dated: January 24, 2024

MCKOOL SMITH, P.C.

/s/ Joshua W. Budwin

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on January 24, 2024.

/s/ Joshua W. Budwin
Joshua W. Budwin