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.

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ATTORNEYS FOR PLAINTIFF CARBYNE BIOMETRICS, LLC

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