

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA**

AVANT LOCATION TECHNOLOGIES
LLC,

Plaintiff,

v.

APPLE INC.

Defendant.

Civil Action No. 7:25-cv-00445-ADA

JURY TRIAL DEMANDED

ORAL ARGUMENT REQUESTED

APPLE INC.'S MOTION TO STAY

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I. INTRODUCTION

Apple Inc. (“Apple”) respectfully requests that the Court stay this case pending resolution of Apple’s petitions for *inter partes* review of the asserted patents. All three factors that the Court typically considers strongly favor a stay.

First, a stay will greatly simplify this case. Apple’s IPR petitions are potentially case-dispositive, as Apple has challenged all asserted claims of all seven patents-in-suit. The Patent Trial and Appeal Board (“PTAB”) will decide the IPRs by March 2027, well before any trial in this case. Staying this case avoids the risk of inconsistent outcomes and would greatly conserve party and judicial resources on a case that may be rendered entirely moot by the PTAB’s decisions.

Second, this case is still at an early stage. Apple filed its IPR petitions three weeks *before* this case was even filed, and Apple is moving to stay concurrently with the filing of its motion to dismiss.

Third, Plaintiff Avant Location Technologies LLC’s (“Avant”) own actions confirm that it will not be prejudiced by a stay. Avant voluntarily dismissed a prior lawsuit against Apple asserting infringement of the same patents that had been pending for over a year after the case was transferred from Avant’s preferred judicial district. Having chosen to abandon its prior lawsuit, Avant cannot assert that time is of the essence or that it would be unduly prejudiced by awaiting a decision in the IPRs that were already filed when Avant voluntarily dismissed its first lawsuit.

II. BACKGROUND AND PROCEDURAL HISTORY

A. Avant’s Eastern District of Texas Complaint

On September 13, 2024, Avant sued Apple in the Eastern District of Texas for infringement of seven patents: U.S. Patent Nos. 8,738,040; 10,009,720; 9,042,910; 8,934,922; 9,119,030; 9,485,621; and 9,622,032. *See Avant Location Techs. LLC v. Apple Inc.*, No. 2:24-cv-00757-JRG,

(E.D. Tex.) (“*Avant I*”), Dkt. 1, Compl. ¶¶ 12-20 (Sept. 13, 2024). Each asserted patent is in the same family and purports to relate to “a method for monitoring a mobile station presence in a special area, and to a mobile system, a server, a radio transmitting device, and a mobile station suitable for carrying out such a method.” *Id.* ¶¶ 22-28. Avant accused Apple products utilizing the Find My feature for locating lost devices of infringing the asserted patents. *Id.* ¶ 29.

B. Apple’s IPR Petitions

On September 11, 2025, Apple filed petitions for *inter partes* review (“IPR”) challenging the patentability of all asserted claims of the asserted patents. Exs. 1-7, Petitions for IPR2025-01256, IPR2025-01257, IPR2025-01258, IPR2025-01259, IPR2025-01260, IPR2025-01261, and IPR2025-01262. As the petitions explain, the asserted patents do nothing more than claim “location services” technologies that were well-known in the field of telecommunications by the mid-2000s. *See, e.g.*, Ex. 2, IPR2025-01257 Pet. 10. The petitions present strong prior art grounds challenging all asserted claims on obviousness grounds based on fifteen prior art references. Institution decisions for these petitions are expected no later than March 2026. If instituted, final written decisions are expected by March 2027, which is well before any expected trial date in this case.

Apple filed a “Notice of *Sotera* Plus Stipulation” in each IPR. *See* Exs. 8-14. Under these stipulations, Apple agreed that, if the IPRs are instituted, it “will not pursue in litigation against the claims challenged in [the filed IPRs]: (i) the specific grounds raised in [the filed IPRs], (ii) any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (i.e., any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications), or (iii) any ground based on a combination of system prior art and the references asserted as part of a ground raised in [the filed IPRs].” *See id.*

Apple further agreed that “if IPR is instituted, [Apple] will not pursue in the related district court litigation any system art prior art theory that corresponds to prior art presented to the Board.” *See id.*

C. Avant’s Voluntary Dismissal of Its Original Lawsuit

On November 22, 2024, Apple moved to dismiss Avant’s complaint in the Eastern District of Texas for improper venue under Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406(a) or, alternatively, moved to transfer to the Northern District of California under 28 U.S.C. § 1404(a). *Avant I*, Dkt. 33, Mot. to Dismiss or Transfer (Nov. 22, 2024). On September 29, 2025, the court granted Apple’s motion to dismiss for improper venue and transferred the case to the Northern District of Texas. *See Avant I*, Dkt. 93, Order Granting Mot. to Transfer (Sept. 29, 2025). On October 1, 2025, Avant voluntarily dismissed its originally-filed case. *See Avant Location Tech. LLC v. Apple Inc.*, No. 3:25-cv-02642-X, (N.D. Tex.), Dkt. 97, Notice of Voluntary Dismissal Without Prejudice (Oct. 1, 2025). Within hours of dismissing its original lawsuit, Avant filed a new complaint for infringement of the same seven patents in this Court. *See Dkt. 2*, Corrected Compl. (Oct. 1, 2025).¹

III. LEGAL STANDARD

A district court has the inherent power to control its own docket, including the power to stay proceedings before it. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”); *Kirsch Rsch. & Dev., LLC v. IKO Indus., Inc.*, 6:20-cv-00317-ADA, 2021 WL 4555610, at *1

¹ Avant filed an amended complaint on November 14, 2025 pleading additional allegations relating to indirect infringement and willfulness. *See Dkt. 19*, Amended Compl. (Nov. 14, 2025). As explained in Apple’s concurrently filed motion to dismiss, Avant’s allegations are deficient and Avant’s pre-suit indirect infringement and willfulness claims should be dismissed.

(W.D. Tex. Oct. 4, 2021). A stay is particularly justified when “the outcome of a [Patent Office] proceeding is likely to assist the court in determining patent validity or eliminate the need to try infringement issues.” *NFC Tech. LLC v. HTC Am., Inc.*, No. 2:13-cv-1058, 2015 WL 1069111, at *1 (E.D. Tex. Mar. 11, 2015).

In determining whether to grant a stay pending parallel Patent Office proceedings, the Court considers three factors: “(1) whether the stay will unduly prejudice the nonmoving party, (2) whether the proceedings before the court have reached an advanced stage, including whether discovery is complete and a trial date has been set, and (3) whether the stay will likely result in simplifying the case before the court.” *Id.* at *2; *Sterling Computs. Corp. v. X Corp.*, 1:24-CV-552-DII, 2025 WL 943411, at *1 (W.D. Tex. Feb. 13, 2025); *Kirsch Rsch.*, 2021 WL 4555610, at *1. “Essentially, courts determine whether the benefits of a stay outweigh the inherent costs based on these factors.” *EchoStar Techs. Corp. v. TiVo, Inc.*, No. 5:05 CV 81 DF, 2006 WL 2501494, at *1 (E.D. Tex. July 14, 2006).

IV. ARGUMENT

A. A Stay Will Greatly Simplify This Case.

Simplification is the “most important factor bearing on whether to grant a stay.” *Kirsch Rsch.*, 2021 WL 4555804, at *3 (quoting *NFC Tech.*, 2015 WL 1069111, at *4). Here, the case will be greatly simplified by a stay.

First, Apple’s IPR petitions could dispose of the entire case. Apple has challenged all asserted claims of all asserted patents. If instituted, these IPRs would reach final written decisions by March 2027. Those decisions would occur well before any potential trial in this case, which Avant filed only after Apple already filed IPR petitions. If successful, Apple’s IPR petitions would leave nothing left to litigate in this case, which strongly favors a stay. *See VirtualAgility Inc. v.*

Salesforce.com, Inc., 759 F.3d 1307, 1314 (Fed. Cir. 2014) (petitions “could dispose of the entire litigation: the ultimate simplification of issues”); *see also GoSecure, Inc. v. CrowdStrike, Inc.*, 1:24-CV-526-DII, 2024 WL 5096498, at *2 (W.D. Tex. Dec. 11, 2024) (“Should the PTAB decide to institute IPRs, the issues in this case could be greatly simplified, given that the PTAB could find that all or some of the claims of the Asserted Patents are unpatentable.”); *Universal Connectivity Techs. Inc. v. Dell Techs. Inc.*, 1:23-CV-1506-RP, 2024 WL 5159910, at *2 (W.D. Tex. Dec. 12, 2024) (similar); *LS Cloud Storage Techs. v. Google LLC*, No. 1:22-CV-00853-RP, 2023 WL 5004870, at *2 (W.D. Tex. July 25, 2023) (“Even if only some claims related to only the [asserted] patent are resolved, the number of claims the district court would have to evaluate in determining the issues would be decreased.... This is sufficient to merit a stay.”).

Second, even if not fully case dispositive, Apple’s IPR petitions if instituted will significantly narrow the issues for claim construction, discovery, and trial. *See Bell Semiconductor, LLC v. NXP Semiconductors, N.V.*, No. Case No. 1:20-CV-611-LY, 2022 WL 1447948, at *2 (W.D. Tex. Feb. 7, 2022) (“The standard is simplification of the district court case, not complete elimination of it by the PTAB.”). For any patent claim that is not invalidated, Apple will be foreclosed from advancing prior art defenses not only by the estoppel provisions of 35 U.S.C. § 315(e), but also by broader terms of its stipulations, which foreclose certain product art based defenses as well. *See Exs. 8-14*. This broad estoppel will meaningfully narrow the issues in the case, which strongly favors a stay. *See XI Discovery, Inc. v. Microsoft Corp.*, SACV 23-2415-GW-JDEx, 2025 U.S. Dist. LEXIS 181732, at *8 (C.D. Cal. Sept. 16, 2025) (granting motion to stay and noting that “Defendant’s Sotera stipulation and the estoppel provision of 35 U.S.C. § 315(e)(2) will eliminate duplicative invalidity arguments,” weighing in favor of a stay); *see also VideoShare, LLC v. Meta Platforms Inc.*, Civil No. 6-21-CV-00254-ADA, 2022 WL 2718986, *5

(W.D. Tex. July 12, 2022) (noting relevance of defendant’s failure to file a “Sotera-type stipulation not to relitigate the same issues in this case”); *Impinj, Inc. v. NXP USA, Inc.*, Case No. 6:21-CV-00530-ADA, 2023 WL 7476358, at *5 (W.D. Tex. May 18, 2023) (similar). Moreover, to the extent any issues remain to be litigated after the IPRs are decided, the Court and parties will benefit from the PTAB’s decisions in addressing issues such as claim construction. *See UMBRA Techs. Ltd. (UK) v. Cisco Sys., Inc.*, 1:23-CV-903-DII, 2024 WL 2155274 (W.D. Tex. Apr. 25, 2024) (“[S]tatements and reasoning by the PTAB may be persuasive as this court construes the parties’ disputed claim terms”); *see also Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1362 (Fed. Cir. 2017) (“[S]tatements made by a patent owner during an IPR proceeding, whether before or after an institution decision, can be considered for claim construction.”).

Third, the merits of Apple’s IPR petitions are strong, which increases the likelihood that they will meaningfully simplify this case. *See Sonrai Memory Ltd. v. W. Digital Techs., Inc.*, No. 6:21-CV-01168-ADA, 2022 WL 3108818, at *3 (W.D. Tex. Aug. 4, 2022) (“The degree to which this Action will be simplified is a function of not just the scope of estoppel attached to [movant], but also how many asserted claims survive the [final written decision]”). Each IPR petition includes multiple obviousness grounds based on highly analogous art. Moreover, certain prior art references that form the basis for Apple’s obviousness grounds were not before the Patent Office during the prosecution of the asserted patents. Apple’s IPR petitions therefore present important new grounds for invalidity that the Patent Office has not previously addressed. The discretionary factors also weigh in favor of institution because, if instituted, the PTAB’s final written decisions will issue well before any trial in this case and Apple has entered a broad stipulation to eliminate any overlap between the IPRs and this district court litigation.

Finally, while the PTAB has not yet decided whether to institute Apple’s IPRs, the benefits of granting a stay now are substantial, particularly given that this case is just beginning in this Court. If the PTAB denies institution of Apple’s IPRs, the case will “only have been stayed a matter of months and proceedings can begin again at that time.” *AlmondNet, Inc. v. Amazon.com, Inc.*, C.A. No. 6:24-cv-234-RP, Dkt. 52, Order Granting Mot. to Stay (W.D. Tex. May 28, 2025) (citing *Nobots, LLC v. Google, LLC*, No. 1:22-cv-585-RP, Dkt. 53, Order Granting Mot. to Stay (W.D. Tex. July 13, 2022)).

Taken together, this factor weighs strongly in favor of a stay.

B. This Case Is At An Early Stage.

The early stage of this litigation also heavily favors of a stay. This case was filed only two months ago after Apple’s IPR petitions were already filed. The Court has not set a case schedule, and the Court’s default case schedule in patent cases would have trial occur no earlier than late June 2027, which is well after the PTAB is expected to issue its final written decisions if Apple’s IPRs are instituted. *See* Standing Order Governing Proceedings (OGP)—Patent Cases (Mar. 5, 2025) (providing default case schedule with trial occurring 18 months after initial case management conference). Staying a case at this “early juncture can ‘advance judicial efficiency and maximize the likelihood that neither the [c]ourt nor the parties expend their assets addressing invalid claims.’” *Landmark Tech., LLC v. iRobot Corp.*, Case No. 6:13cv411 JDL, 2014 WL 486836, at *3 (E.D. Tex. Jan. 24, 2014) (citation omitted); *see also Bell Semiconductor*, 2022 WL 1447948, at *2. Apple has also been diligent in seeking a stay and is filing this motion concurrently with its motion to dismiss, which further favors a stay. *See Relink US LLC v. Tesla, Inc.*, 1:23-CV-1093-DII, 2024 WL 1219740, at *2 (W.D. Tex. Mar. 21, 2024) (finding defendant’s timeliness in moving to stay favors granting stay).

The fact that Avant previously sued Apple in the Eastern District of Texas does not change the analysis. Avant voluntarily dismissed that case after it was transferred from Avant's preferred forum and filed a new case before this Court. The result of Avant's voluntary dismissal and refiling is that this current case is now starting over, which makes this case particularly amenable to a stay.

Even if the dismissed litigation were considered, this factor still strongly favors a stay. The Eastern District of Texas litigation addressed issues—such as improper venue and Apple's motion to transfer—that have no application to the current case. *See Avant I*, Dkt. 33. The parties did not file claim construction briefing, and fact discovery remained at an early stage. For example, Avant produced a mere 94 documents, most of which were public documents such as file histories and screenshots of Apple's website. No depositions of fact witnesses from either party were taken. And while the parties exchanged infringement and invalidity contentions, those contentions will need to be redone for this case to conform to this Court's disclosure requirements. The Eastern District of Texas litigation therefore does not meaningfully reduce the work that remains to be done for this case.

C. Avant Will Not Be Unduly Prejudiced By A Stay.

Avant's own actions confirm that there is no time sensitivity to Avant's claims in this case, and Avant therefore will not be meaningfully prejudiced by a stay. After Apple's IPR petitions were filed, Avant chose to voluntarily dismiss a case that had been pending for more than a year in the Eastern District of Texas and refiled its complaint in the Western District of Texas. Having made the strategic choice to abandon its earlier-filed lawsuit, Avant cannot credibly claim that there is any urgency to move this litigation forward.

Numerous other factors confirm that Avant would not be unduly prejudiced by a stay. For example, Avant faces no competitive or economic harm from a stay. Avant does not compete with

Apple and sells no products. See *Bell Semiconductor*, 2022 WL 1447948, at *2; *Chrimar Sys., Inc. v. Adtran, Inc.*, CIVIL NO. 6:15-CV-618-JRG-JDL, 2016 WL 4080802, at *2 (E.D. Tex. Aug. 1, 2016). Under similar circumstances, this Court has held that a party’s “mere delay in collecting [monetary] damages does not constitute undue prejudice.” *Crossroads Sys., Inc. v. Dot Hill Sys. Corp.*, Nos. A-13-CA-800-SS, A-13-CA-895-SS, A-13-CA-1025-SS, A-14-CA-148-SS, A-14-CA-149-SS, A-14-CA-150-SS, 2015 WL 3773014, at *2 (W.D. Tex. June 16, 2015); *R2 Sols. LLC v. Cloudera, Inc.*, 1:23-CV-1205-RP, 2024 WL 666660 (W.D. Tex. Feb. 15, 2024) (same); *NFC Tech.*, 2015 WL 1069111, at *2 (“[T]hat factor is present in every case in which a patentee resists a stay, and it is therefore not sufficient, standing alone, to defeat a stay motion”).

A stay also is unlikely to affect Avant’s ability to present evidence in this case. The asserted patents claim priority back to 2006. The incremental difference of waiting another fifteen months for a final written decision in the IPRs is unlikely to change the availability of documents or witnesses relating to the development of the alleged invention. Moreover, Apple is already preserving any documents and source code that it has collected and identified as relevant to this case. To the extent that any issues remain to be litigated after the conclusion of Apple’s IPRs, the evidence that Avant needs to present its case will remain available.

V. CONCLUSION

Each of the three factors strongly favors a stay. Apple therefore respectfully requests that the Court stay this case pending a resolution of the IPR petitions filed against each asserted patent.

Dated: December 8, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on December 8, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5.

/s/ Jason H. Liss
Jason H. Liss

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(g), counsel for Defendant met and conferred with counsel for Plaintiff, and counsel for Plaintiff indicated that Plaintiff is opposed to the relief sought by this Motion.

/s/ Jason H. Liss
Jason H. Liss