

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 21-16506

Docketed: 09/13/2021

Nature of Suit: 3410 Antitrust

Epic Games, Inc. v. Apple, Inc.

Appeal From: U.S. District Court for Northern California, Oakland

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0971-4 : 4:20-cv-05640-YGR

Court Reporter: Belle Ball

Court Reporter: Pamela Ann Batalo, Court Reporter

Court Reporter: Ana Dub

Court Reporter: Odile Hansen, Court Reporter Supervisor

Court Reporter: Raynee Mercado

Court Reporter: Debra Pas, Official Court Reporter

Court Reporter: Diane E. Skillman, Official Court Reporter

Court Reporter: Katherine Sullivan, Court Reporter

Trial Judge: Yvonne Gonzalez Rogers, District Judge

Date Filed: 08/13/2020

Date Order/Judgment:

09/10/2021

Date Order/Judgment EOD:

09/10/2021

Date NOA Filed:

09/12/2021

Date Rec'd COA:

09/12/2021

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Cross-Appeal	21-16506	<u>21-16695</u>	10/14/2021	

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EPIC GAMES, INC.,

Plaintiff-counter-defendant - Appellant,

v.

APPLE, INC.,

Defendant-counter-claimant - Appellee.

- 09/13/2021 1
28 pg, 981.66 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Appellant Epic Games, Inc. Mediation Questionnaire due on 09/20/2021. Transcript ordered by 10/12/2021. Transcript due 11/12/2021. Appellant Epic Games, Inc. opening brief due 12/21/2021. Appellee Apple, Inc. answering brief due 01/20/2022. Appellant's optional reply brief is due 21 days after service of the answering brief. [12226567] (JBS) [Entered: 09/13/2021 11:49 AM]
- 09/14/2021 2 Filed (ECF) notice of appearance of Mark A. Perry (Gibson, Dunn & Crutcher LLP 1050 Connecticut Ave, NW Washington, DC 20036) for Appellee Apple, Inc.. Date of service: 09/14/2021. (Party was previously proceeding with counsel.) [12227932] [21-16506] (Perry, Mark) [Entered: 09/14/2021 12:54 PM]
- 09/14/2021 3 Filed (ECF) notice of appearance of Joshua M. Wesneski (Gibson, Dunn & Crutcher LLP 1050 Connecticut Ave, NW Washington, DC 20036) for Appellee Apple, Inc.. Date of service: 09/14/2021. (Party was previously proceeding with counsel.) [12227934] [21-16506] (Wesneski, Joshua) [Entered: 09/14/2021 12:56 PM]
- 09/14/2021 4 Filed (ECF) notice of appearance of Rachel S. Brass (Gibson, Dunn & Crutcher LLP 555 Mission Street, Suite 3000 San Francisco, CA 94105) for Appellee Apple, Inc.. Date of service: 09/14/2021. (Party was previously proceeding with counsel.) [12227936] [21-16506] (Brass, Rachel) [Entered: 09/14/2021 12:59 PM]
- 09/14/2021 5 Filed (ECF) notice of appearance of Julian Wolfe Kleinbrodt (Gibson, Dunn & Crutcher LLP 555 Mission Street, Suite 3000 San Francisco, CA 94105) for Appellee Apple, Inc.. Date of service: 09/14/2021. (Party was previously proceeding with counsel.) [12227943] [21-16506] (Kleinbrodt, Julian) [Entered: 09/14/2021 01:01 PM]
- 09/14/2021 6 Filed (ECF) notice of appearance of Theodore J. Boutrous Jr. (Gibson, Dunn & Crutcher LLP 333 South Grand Avenue Los Angeles, CA 90071) for Appellee Apple, Inc.. Date of service: 09/14/2021. (Party was previously proceeding with counsel.) [12227950] [21-16506] (Boutrous, Theodore) [Entered: 09/14/2021 01:04 PM]
- 09/14/2021 7 Filed (ECF) notice of appearance of Samuel Eckman (Gibson, Dunn & Crutcher LLP 333 South Grand Avenue Los Angeles, CA 90071) for Appellee Apple, Inc.. Date of service: 09/14/2021. (Party was previously proceeding with counsel.) [12227960] [21-16506] (Eckman, Samuel) [Entered: 09/14/2021 01:08 PM]
- 09/14/2021 8 Added Attorney(s) Joshua M. Wesneski, Mark Andrew Perry, Rachel Susan Brass, Julian Kleinbrodt, Theodore J. Boutrous Jr. for party(s) Appellee Apple, Inc., in case 21-16506. [12227965] (DJV) [Entered: 09/14/2021 01:09 PM]
- 09/14/2021 9 Added Attorney(s) Samuel Eckman for party(s) Appellee Apple, Inc., in case 21-16506. [12227974] (DJV) [Entered: 09/14/2021 01:12 PM]
- 09/20/2021 10
2 pg, 120.42 KB Filed (ECF) Appellant Epic Games, Inc. Mediation Questionnaire. Date of service: 09/20/2021. [12234016] [21-16506] (Forrest, Katherine) [Entered: 09/20/2021 07:11 PM]
- 09/21/2021 11 The Mediation Questionnaire for this case was filed on 09/20/2021. To submit pertinent **confidential** information directly to the Circuit Mediators, please use the following [link](#). Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12234058]. [21-16506] (AD) [Entered: 09/21/2021 06:44 AM]
- 09/21/2021 12
2 pg, 109.82 KB MEDIATION ORDER FILED: By 10/05/2021, counsel to email Circuit Mediator regarding settlement potential. Include Ninth Circuit case name and number in subject line. This communication will be kept confidential, if requested, and should not be filed with the court. The existing briefing schedule remains in effect. SEE ORDER FOR DETAILS. [12234443] (BLS) [Entered: 09/21/2021 10:46 AM]
- 10/06/2021 13
1 pg, 89.09 KB MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant settlement discussions while the appeal is pending. [12250128] (BLS) [Entered: 10/06/2021 07:33 PM]
- 10/14/2021 14
30 pg, 1 MB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. Setting cross-appeal briefing schedule as follows: Appellant Apple, Inc. Mediation Questionnaire due on 10/21/2021. First cross appeal brief due 12/21/2021 for Epic Games, Inc.. Second brief on cross appeal due 01/20/2022 for Apple, Inc.. Third brief on cross appeal due 02/22/2022 for Epic Games, Inc.. Optional cross appeal reply brief is due within 21 days of service of third brief on cross appeal. [12256683] [21-16695, 21-16506] (JBS) [Entered: 10/14/2021 10:00 AM]
- 10/21/2021 15
2 pg, 494.87 KB Filed (ECF) Appellant Apple, Inc. in 21-16695, Appellee Apple, Inc. in 21-16506 Mediation Questionnaire. Date of service: 10/21/2021. [12264927] [21-16695, 21-16506] (Perry, Mark) [Entered: 10/21/2021 04:00 PM]

- 10/21/2021 16 The Mediation Questionnaire for this case was filed on 10/21/2021. To submit pertinent **confidential** information directly to the Circuit Mediators, please use the following [link](#). Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12265152]. [21-16506] (AD) [Entered: 10/21/2021 06:44 PM]
- 11/11/2021 17 Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. New requested due date is 01/20/2022. [12285075] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 11/11/2021 08:55 PM]
- 11/12/2021 18 ENTRY UPDATED. **Streamlined request [17] by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695 to extend time to file the brief is approved. Amended briefing schedule: First cross appeal brief due 01/20/2022 for Epic Games, Inc.. Second brief on cross appeal due 02/22/2022 for Apple, Inc.. Third brief on cross appeal due 03/24/2022 for Epic Games, Inc.. The optional cross appeal reply brief is due 21 days from the date of service of the third brief on cross appeal.** [12285433] [21-16506, 21-16695]--[Edited 11/12/2021 by DLM] (DLM) [Entered: 11/12/2021 10:14 AM]
- 11/16/2021 19
588 pg, 22.03 MB Filed (ECF) Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 Motion to stay lower court action. Date of service: 11/16/2021. [12289668] [21-16506, 21-16695] (Perry, Mark) [Entered: 11/16/2021 07:14 PM]
- 11/26/2021 20
142 pg, 10.52 MB Filed (ECF) Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695 response opposing motion ([19] Motion (ECF Filing), [19] Motion (ECF Filing)). Date of service: 11/26/2021. [12298870] [21-16506, 21-16695] (Bornstein, Gary) [Entered: 11/26/2021 08:04 PM]
- 11/29/2021 21
21 pg, 339.82 KB Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Tile, Match Group, Inc., Basecamp, Knitrino, and The Coalition for App Fairness. Date of service: 11/29/2021. [12299682] [21-16506, 21-16695] (St. Phillip, Peter) [Entered: 11/29/2021 12:43 PM]
- 11/30/2021 22 Entered appearance of Amici Curiae - Pending Tile, Match Group, Inc., Basecamp, Knitrino, and Coalition for App Fairness. [12301165] [21-16506, 21-16695] (LA) [Entered: 11/30/2021 11:37 AM]
- 11/30/2021 23
24 pg, 1016.76 KB Filed (ECF) Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 reply to response (motion to stay lower court action). Date of service: 11/30/2021. [12301957] [21-16506, 21-16695] (Perry, Mark) [Entered: 11/30/2021 11:34 PM]
- 11/30/2021 24
214 pg, 3.97 MB Filed (ECF) Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 response opposing motion ([21] Motion (ECF Filing), [21] Motion (ECF Filing) motion to become amicus). Date of service: 11/30/2021. [12301958] [21-16506, 21-16695] (Perry, Mark) [Entered: 11/30/2021 11:37 PM]
- 12/02/2021 25 COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [26]. Original Text: Filed (ECF) Amici Curiae - Pending Basecamp, Coalition for App Fairness, Knitrino, Match Group, Inc. and Tile in 21-16506, 21-16695 reply to response (). Date of service: 12/02/2021. [12304085] [21-16506, 21-16695] (St. Phillip, Peter) [Entered: 12/02/2021 01:58 PM]
- 12/02/2021 26
6 pg, 106.92 KB Filed (ECF) Amici Curiae - Pending Basecamp, Coalition for App Fairness, Knitrino, Match Group, Inc. and Tile in 21-16506, 21-16695 reply to response (). Date of service: 12/02/2021. [12304246] [21-16506, 21-16695] (St. Phillip, Peter) [Entered: 12/02/2021 03:02 PM]
- 12/08/2021 27
2 pg, 150.01 KB Filed order (DIARMUID F. O'SCANNLAIN, SIDNEY R. THOMAS and RICHARD C. TALLMAN): Apple, Inc. ("Apple") has moved to stay, in part, the district court's September 10, 2021, permanent injunction pending appeal. Apple's motion (Dkt. Entry No. [19]) is granted. Apple has demonstrated, at minimum, that its appeal raises serious questions on the merits of the district court's determination that Epic Games, Inc. failed to show Apple's conduct violated any antitrust laws but did show that the same conduct violated California's Unfair Competition Law. See City of San Jose v. Off. of the Com'r of Baseball, 776 F.3d 686, 691–92 (9th Cir. 2015) ("[U]nder California law '[i]f the same conduct is alleged to be both an antitrust violation and an "unfair" business act or practice for the same reason—because it unreasonably restrains competition and harms consumers—the determination that the conduct is not an unreasonable restraint of trade necessarily implies that the conduct is not "unfair" toward consumers.'" (quoting Chavez v. Whirlpool Corp., 113 Cal. Rptr. 2d 175, 184 (Cal. Ct. App. 2001))). Apple has also made a sufficient showing of irreparable harm, see Disney Enters., Inc. v. VidAngel, Inc., 869 F.3d 848, 865–66 (9th Cir. 2017), and that the remaining factors weigh in favor of staying part (i) of the injunction and maintaining the status quo pending appeal, see Nken v. Holder, 556 U.S. 418, 434–35 (2009). Therefore, we grant Apple's motion to stay part (i) of paragraph (1) of the permanent injunction. The stay will remain in effect until the mandate issues in this appeal. The existing briefing schedule remains in place. [12309816] [21-16506, 21-16695] (AF) [Entered: 12/08/2021 11:23 AM]
- 12/08/2021 28
1 pg, 120.02 KB Filed order (DIARMUID F. O'SCANNLAIN, SIDNEY R. THOMAS and RICHARD C. TALLMAN): The motion of Tile, Match Group, Inc., Basecamp, Knitrino, and the Coalition for App Fairness for leave to become amici curiae and file a brief in support of Epic Games, Inc.'s opposition to Apple, Inc.'s motion for

a stay pending appeal (Dkt. Entry No. [\[21\]](#)) is denied. [12309829] [21-16506, 21-16695] (AF) [Entered: 12/08/2021 11:26 AM]

- 12/08/2021 [29](#) Terminated Amici Curiae - Pending Basecamp, Coalition for App Fairness, Knitrino, Match Group, Inc. and Tile in 21-16506 and Amici Curiae - Pending Basecamp, Coalition for App Fairness, Knitrino, Match Group, Inc. and Tile in 21-16695 [12309838] [21-16506, 21-16695] (AF) [Entered: 12/08/2021 11:28 AM]
- 12/22/2021 [30](#)
6 pg, 520.33 KB Filed (ECF) State of California Motion to extend time to file amicus brief until 03/31/2022. Date of service: 12/22/2021. [12323682] [21-16506, 21-16695] (Wang, Brian) [Entered: 12/22/2021 05:29 PM]
- 12/23/2021 [31](#) Entered appearance of Amicus Curiae - Pending State of California in 21-16506 and Amicus Curiae - Pending State of California in 21-16695. [12323734] [21-16506, 21-16695] (DJV) [Entered: 12/23/2021 06:18 AM]
- 01/14/2022 [32](#)
2 pg, 124.71 KB Filed clerk order (Deputy Clerk: AC): The State of California's unopposed motion for an extension of time to file an amicus brief (Docket Entry No. [\[30\]](#)) is granted. Any amicus filing by the State of California is due within 7 days after the second brief on cross-appeal if California supports neither party or Apple, Inc., and within 7 days after the third brief on cross-appeal if California supports Epic Games, Inc. See Fed. R. App. P. 29(a)(6). The existing briefing schedule remains in effect. [12341609] [21-16506, 21-16695] (AF) [Entered: 01/14/2022 02:31 PM]
- 01/19/2022 [33](#)
1 pg, 166.53 KB Filed (ECF) Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 Correspondence: Joint Blanket Consent for Amicus Curiae Briefs. Date of service: 01/19/2022 [12344384] [21-16506, 21-16695] (Perry, Mark) [Entered: 01/19/2022 10:11 AM]
- 01/20/2022 [34](#) Filed (ECF) notice of appearance of Omid H. Nasab (Cravath, Swaine & Moore LLP, Worldwide Plaza, 825 Eighth Avenue, New York, NY 10019) for Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 01/20/2022. (Party was previously proceeding with counsel.) [12345458] [21-16506, 21-16695] (Nasab, Omid) [Entered: 01/20/2022 09:06 AM]
- 01/20/2022 [35](#) Filed (ECF) notice of appearance of Peter T. Barbur (Cravath, Swaine & Moore LLP, Worldwide Plaza, 825 Eighth Avenue, New York, NY 10019) for Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 01/20/2022. (Party was previously proceeding with counsel.) [12345465] [21-16506, 21-16695] (Barbur, Peter) [Entered: 01/20/2022 09:09 AM]
- 01/20/2022 [36](#) Filed (ECF) notice of appearance of Antony L. Ryan (Cravath, Swaine & Moore LLP, Worldwide Plaza, 825 Eighth Avenue, New York, NY 10019) for Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 01/20/2022. (Party was previously proceeding with counsel.) [12345466] [21-16506, 21-16695] (Ryan, Antony) [Entered: 01/20/2022 09:09 AM]
- 01/20/2022 [37](#) Filed (ECF) notice of appearance of Thomas Che Goldstein (GOLDSTEIN & RUSSELL, P.C. 7475 Wisconsin Avenue Suite 850 Bethesda, MD 20814) for Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 01/20/2022. (Party was previously proceeding with counsel.) [12345478] [21-16506, 21-16695] (Goldstein, Tom) [Entered: 01/20/2022 09:14 AM]
- 01/20/2022 [38](#) Added Attorney(s) Antony Ryan, Omid Nasab, Peter Barbur for party(s) Appellant Epic Games, Inc., in case 21-16506 Attorney(s) Antony Ryan, Omid Nasab, Peter Barbur for party(s) Appellee Epic Games, Inc., in case 21-16695. [12345489] [21-16506, 21-16695] (DJV) [Entered: 01/20/2022 09:18 AM]
- 01/20/2022 [39](#) Added Attorney(s) Tom Goldstein for party(s) Appellant Epic Games, Inc., in case 21-16506 Attorney(s) Tom Goldstein for party(s) Appellee Epic Games, Inc., in case 21-16695. [12345505] [21-16506, 21-16695] (DJV) [Entered: 01/20/2022 09:25 AM]
- 01/20/2022 [40](#)
1 pg, 169.53 KB Filed (ECF) Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695 Correspondence: Request that case is entitled to priority in hearing date pursuant to Circuit Rule 34-3.. Date of service: 01/20/2022 [12345518] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 01/20/2022 09:40 AM]
- 01/20/2022 [41](#)
91 pg, 509.91 KB Submitted (ECF) First Brief on Cross-Appeal for review. Submitted by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 01/20/2022. [12345532] [21-16506, 21-16695]--[COURT UPDATE: Updated docket text to reflect correct brief type. 01/21/2022 by KWG] (Forrest, Katherine) [Entered: 01/20/2022 09:47 AM]
- 01/20/2022 [42](#)
899 pg, 47.88 MB Submitted (ECF) excerpts of record. Submitted by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 01/20/2022. [12345572] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 01/20/2022 10:08 AM]
- 01/20/2022 [43](#) Filed (ECF) Streamlined request for extension of time to file Second Brief on Cross-Appeal by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695. New requested due date is 03/24/2022. [12346642] [21-16506, 21-16695] (Perry, Mark) [Entered: 01/20/2022 07:19 PM]
- 01/21/2022 [44](#)
2 pg, 97.17 KB Filed clerk order: The first brief on cross-appeal [\[41\]](#) submitted by Epic Games, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The excerpts of record [\[42\]](#) submitted by Epic Games, Inc. are

filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12346918] [21-16506, 21-16695] (KWG) [Entered: 01/21/2022 09:42 AM]

- 01/21/2022 45 **Streamlined request [43] by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 to extend time to file the brief is approved. Amended briefing schedule: Second brief on cross appeal due 03/24/2022 for Apple, Inc.. Third brief on cross appeal due 04/25/2022 for Epic Games, Inc.. The optional cross appeal reply brief is due 21 days from the date of service of the third brief on cross appeal.** [12347964] [21-16506, 21-16695] (DLM) [Entered: 01/21/2022 04:28 PM]
- 01/26/2022 46 Received 3 paper copies of excerpts of record [42] in 4 volume(s) and index volume filed by Appellant/Cross-Appellee Epic Games, Inc.. [12351879] [21-16506, 21-16695] (KWG) [Entered: 01/26/2022 11:40 AM]
- 01/26/2022 47 Received 6 paper copies of First Brief on Cross-Appeal [41] filed by Epic Games, Inc. [12352595] [21-16506, 21-16695] (SD) [Entered: 01/26/2022 04:09 PM]
- 01/27/2022 48
33 pg, 390.25 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by 38 LAW, ECONOMICS, AND BUSINESS PROFESSORS. Date of service: 01/27/2022. [12352822] [21-16695, 21-16506] (Carrier, Michael) [Entered: 01/27/2022 07:12 AM]
- 01/27/2022 49
42 pg, 246.64 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by The Committee to Support the Antitrust Laws. Date of service: 01/27/2022. [12353455] [21-16506, 21-16695] (Kozen, Geoffrey) [Entered: 01/27/2022 01:39 PM]
- 01/27/2022 50
37 pg, 523.56 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Public Citizen. Date of service: 01/27/2022. [12353463] [21-16506, 21-16695] (Liu, Wendy) [Entered: 01/27/2022 01:55 PM]
- 01/27/2022 51
23 pg, 230.23 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by The Consumer Federation of America and Developers. Date of service: 01/27/2022. [12353810] [21-16506, 21-16695] (St. Phillip, Peter) [Entered: 01/27/2022 04:14 PM]
- 01/27/2022 52
35 pg, 587.57 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by 14 LAW, ECONOMICS, AND BUSINESS PROFESSORS. Date of service: 01/27/2022. [12353871] [21-16506, 21-16695] (Wyant, Christopher) [Entered: 01/27/2022 04:35 PM]
- 01/27/2022 53
34 pg, 336.75 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Electronic Frontier Foundation. Date of service: 01/27/2022. [12353935] [21-16506, 21-16695] (Stoltz, Mitchell) [Entered: 01/27/2022 05:39 PM]
- 01/27/2022 54
38 pg, 258.07 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Microsoft Corporation. Date of service: 01/27/2022. [12353942] [21-16506, 21-16695]--[COURT UPDATE: Attached corrected PDF of the brief. 01/31/2022 by KWG] (Panner, Aaron) [Entered: 01/27/2022 06:00 PM]
- 01/27/2022 55
35 pg, 267.69 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Utah and 34 Other States as Amici Curiae in Support of Plaintiff-Counter-Defendant-Appellant and Reversal. Date of service: 01/27/2022. [12353946] [21-16506, 21-16695] (Holyoak, Melissa) [Entered: 01/27/2022 06:14 PM]
- 01/27/2022 56
48 pg, 953.66 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by United States of America. Date of service: 01/27/2022. [12353959] [21-16506, 21-16695] (Kuhlmann, Patrick) [Entered: 01/27/2022 08:04 PM]
- 01/27/2022 57
39 pg, 330.03 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by American Antitrust Institute. Date of service: 01/27/2022. [12353961] [21-16506, 21-16695] (Alexander, Laura) [Entered: 01/27/2022 08:54 PM]
- 01/28/2022 58 Entered appearance of Amici Curiae 38 LAW, ECONOMICS, AND BUSINESS PROFESSORS, Committee to Support the Antitrust Laws, Public Citizen, Consumer Federation of America and Developers, 14 LAW, ECONOMICS, AND BUSINESS PROFESSORS, Electronic Frontier Foundation, Microsoft Corporation, Utah and 34 Other States , USA and American Antitrust Institute. [12354286] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 10:54 AM]
- 01/28/2022 59
2 pg, 96.69 KB Filed clerk order: The amicus brief [48] submitted by 38 LAW, ECONOMICS, AND BUSINESS PROFESSORS is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354316] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 11:06 AM]
- 01/28/2022 60
2 pg, 96.63 KB Filed clerk order: The amicus brief [49] submitted by Committee to Support the Antitrust Laws is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the

version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354323] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 11:09 AM]

- 01/28/2022 61
2 pg, 97.08 KB Filed clerk order: The amicus brief [50] submitted by Public Citizen is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354349] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 11:20 AM]
- 01/28/2022 62
2 pg, 96.64 KB Filed clerk order: The amicus brief [51] submitted by Consumer Federation of America and Developers in 21-16506 is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354424] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 11:55 AM]
- 01/28/2022 63
2 pg, 96.69 KB Filed clerk order: The amicus brief [52] submitted by 14 LAW, ECONOMICS, AND BUSINESS PROFESSORS is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354432] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 11:57 AM]
- 01/28/2022 64
2 pg, 96.61 KB Filed clerk order: The amicus brief [53] submitted by Electronic Frontier Foundation is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354440] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 11:59 AM]
- 01/28/2022 65
2 pg, 96.65 KB Filed clerk order: The amicus brief [55] submitted by Utah and 34 Other States is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354446] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 12:01 PM]
- 01/28/2022 66
2 pg, 96.6 KB Filed clerk order: The amicus brief [56] submitted by USA is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354450] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 12:02 PM]
- 01/28/2022 67
2 pg, 96.61 KB Filed clerk order: The amicus brief [57] submitted by American Antitrust Institute is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12354453] [21-16506, 21-16695] (KWG) [Entered: 01/28/2022 12:03 PM]
- 01/28/2022 68 Filed (ECF) notice of appearance of Patrick Michael Kuhlmann (United States Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Washington, DC 20530) for Amicus Curiae USA in 21-16506, 21-16695. Date of service: 01/28/2022. (Party was previously proceeding with counsel.) [12354477] [21-16506, 21-16695] (Kuhlmann, Patrick) [Entered: 01/28/2022 12:25 PM]
- 01/28/2022 69 Filed (ECF) notice of appearance of Matthew C. Mandelberg (United States Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Washington, DC 20530) for Amicus Curiae USA in 21-16506, 21-16695. Date of service: 01/28/2022. (Party was previously proceeding with counsel.) [12354489] [21-16506, 21-16695] (Kuhlmann, Patrick) [Entered: 01/28/2022 12:30 PM]
- 01/28/2022 70 Filed (ECF) notice of appearance of Daniel E. Haar (United States Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Washington, DC 20530) for Amicus Curiae USA in 21-16506, 21-16695. Date of service: 01/28/2022. (Party was previously proceeding with counsel.) [12354502] [21-16506, 21-16695] (Kuhlmann, Patrick) [Entered: 01/28/2022 12:38 PM]
- 01/28/2022 71 Filed (ECF) notice of appearance of Nikolai G. Levin (United States Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Washington, DC 20530) for Amicus Curiae USA in 21-16506, 21-16695. Date of service: 01/28/2022. (Party was previously proceeding with counsel.) [12354503] [21-16506, 21-16695] (Kuhlmann, Patrick) [Entered: 01/28/2022 12:43 PM]
- 01/28/2022 72 Added Attorney(s) Patrick Michael Kuhlmann for party(s) Amicus Curiae USA, in case 21-16506 Attorney(s) Patrick Michael Kuhlmann for party(s) Amicus Curiae USA, in case 21-16695. [12354524] [21-16506, 21-16695] (DJV) [Entered: 01/28/2022 12:53 PM]
- 01/28/2022 73 **Notice of Appearance (ECF Filing) , Notice of Appearance (ECF Filing) , Notice of Appearance (ECF Filing) [71], [70], [69] is rejected. Filer is not permitted to file on behalf of another attorney. Each attorney must file their own notice of appearance.** [12354525] [21-16506, 21-16695] (DJV) [Entered: 01/28/2022 12:55 PM]

01/28/2022 74 Filed (ECF) notice of appearance of Matthew C. Mandelberg (United States Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Washington, DC 20530) for Amicus Curiae USA in 21-16506, 21-16695. Date of service: 01/28/2022. (Party was previously proceeding with counsel.) [12354633] [21-16506, 21-16695] (Mandelberg, Matthew) [Entered: 01/28/2022 01:48 PM]

01/28/2022 75 Added Attorney(s) Matthew C. Mandelberg for party(s) Amicus Curiae USA, in case 21-16506 Attorney(s) Matthew C. Mandelberg for party(s) Amicus Curiae USA, in case 21-16695. [12354642] [21-16506, 21-16695] (DJV) [Entered: 01/28/2022 01:51 PM]

01/28/2022 76 Filed (ECF) notice of appearance of Daniel E. Haar (United States Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Washington, DC 20530) for Amicus Curiae USA in 21-16506, 21-16695. Date of service: 01/28/2022. (Party was previously proceeding with counsel.) [12354643] [21-16506, 21-16695] (Haar, Daniel) [Entered: 01/28/2022 01:52 PM]

01/28/2022 77 Added Attorney(s) Daniel Edward Haar for party(s) Amicus Curiae USA, in case 21-16506 Attorney(s) Daniel Edward Haar for party(s) Amicus Curiae USA, in case 21-16695. [12354654] [21-16506, 21-16695] (DJV) [Entered: 01/28/2022 01:54 PM]

01/28/2022 78 Filed (ECF) notice of appearance of Nickolai G. Levin (United States Department of Justice, Antitrust Division, 950 Pennsylvania Avenue NW, Washington, DC 20530) for Amicus Curiae USA in 21-16506, 21-16695. Date of service: 01/28/2022. (Party was previously proceeding with counsel.) [12354655] [21-16506, 21-16695] (Levin, Nickolai) [Entered: 01/28/2022 01:55 PM]

01/28/2022 79 Added Attorney(s) Nickolai Gilford Levin for party(s) Amicus Curiae USA, in case 21-16506 Attorney(s) Nickolai Gilford Levin for party(s) Amicus Curiae USA, in case 21-16695. [12354659] [21-16506, 21-16695] (DJV) [Entered: 01/28/2022 01:56 PM]

01/31/2022 80
2 pg, 94.98 KB Filed clerk order: The amicus brief [54] submitted by Microsoft Corporation is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12355466] [21-16506, 21-16695] (KWG) [Entered: 01/31/2022 08:10 AM]

01/31/2022 81 Received 6 paper copies of Amicus Brief [48] filed by 38 LAW, ECONOMICS, AND BUSINESS PROFESSORS. [12357088] [21-16506, 21-16695] (SD) [Entered: 02/01/2022 10:08 AM]

02/01/2022 82 Received 6 paper copies of Amicus Brief [55] filed by Utah and 34 Other States. [12357912] [21-16506, 21-16695] (SD) [Entered: 02/01/2022 04:06 PM]

02/01/2022 83 Received 6 paper copies of Amicus Brief [56] filed by USA. [12357951] [21-16506, 21-16695] (SD) [Entered: 02/01/2022 04:18 PM]

02/01/2022 84 Received 6 paper copies of Amicus Brief [53] filed by Electronic Frontier Foundation. [12357971] [21-16506, 21-16695] (SD) [Entered: 02/01/2022 04:25 PM]

02/02/2022 85 Received 6 paper copies of Amicus Brief [57] filed by American Antitrust Institute. [12358670] [21-16506, 21-16695] (SD) [Entered: 02/02/2022 11:58 AM]

02/02/2022 86 Received 6 paper copies of Amicus Brief [54] filed by Microsoft Corporation. [12358890] [21-16506, 21-16695] (NAR) [Entered: 02/02/2022 01:52 PM]

02/03/2022 87 Received 6 paper copies of Amicus Brief [52] filed by 14 LAW, ECONOMICS, AND BUSINESS PROFESSORS. [12360515] [21-16506, 21-16695] (SD) [Entered: 02/03/2022 04:43 PM]

02/04/2022 88 Received 6 paper copies of Amicus Brief [49] filed by Committee to Support the Antitrust Laws. [12360939] [21-16506, 21-16695] (SD) [Entered: 02/04/2022 11:31 AM]

02/04/2022 89 Received 6 paper copies of Amicus Brief [50] filed by Public Citizen. [12360949] [21-16506, 21-16695] (SD) [Entered: 02/04/2022 11:37 AM]

02/04/2022 90 Terminated participation of Court Reporter Jo Ann Bryce in this case (retired, other court reporter remaining on case). [12361361] [21-16026, 21-16033, 21-16083, 21-16154, 21-16157, 21-16187, 21-16264, 21-16506, 21-16695, 21-16538] (RY) [Entered: 02/04/2022 02:52 PM]

02/09/2022 91 Received 6 paper copies of Amicus Brief [51] filed by Consumer Federation of America and Developers. [12365496] [21-16506, 21-16695] (SD) [Entered: 02/09/2022 02:55 PM]

03/24/2022 92
13 pg, 353.45 KB Filed (ECF) Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 Motion to file oversized brief. Date of service: 03/24/2022. [12404482] [21-16506, 21-16695] (Perry, Mark) [Entered: 03/24/2022 03:26 PM]

03/24/2022 93
135 pg, 908.3 KB Submitted (ECF) Second Brief on Cross-Appeal for review. Submitted by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695. Date of service: 03/24/2022. [12404491] [21-16506, 21-16695] (Perry, Mark) [Entered: 03/24/2022 03:30 PM]

03/24/2022 94
1116 pg, 43.46 MB Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695. Date of service: 03/24/2022. [12404502] [21-16506, 21-16695]--

[COURT UPDATE: Attached corrected PDF of the excerpts, vols 1-4 and index vol. 03/25/2022 by KWG] (Perry, Mark) [Entered: 03/24/2022 03:36 PM]

- 03/25/2022 95 Filed (ECF) Streamlined request for extension of time to file Third Brief on Cross-Appeal by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. New requested due date is 05/23/2022. [12405241] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 03/25/2022 01:55 PM]
- 03/25/2022 96 ENTRY UPDATED. **Streamlined request [95] by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695 to extend time to file the brief is approved. Streamline requests allow for 30 day extensions. Amended briefing schedule: Third brief on cross appeal due 05/25/2022 for Epic Games, Inc.. The optional cross appeal reply brief is due 21 days from the date of service of the third brief on cross appeal.** [12405505] [21-16506, 21-16695]--[Edited 03/25/2022 by DLM] (DLM) [Entered: 03/25/2022 04:55 PM]
- 03/28/2022 97
2 pg, 123.91 KB Filed clerk order (Deputy Clerk: JN): Apple Inc.'s motion to exceed the type-volume limitations for the second brief on cross-appeal (Docket Entry No. [92]) is granted. See 9th Cir. R. 32-2(a). The Clerk will file the brief and supplemental excerpts of record submitted at Docket Entry Nos. [93] and [94]. The third brief on cross-appeal is due on May 25, 2022. The optional cross- appeal reply brief is due 21 days from the date of service of the third brief on cross-appeal. [12406162] [21-16506, 21-16695] (WL) [Entered: 03/28/2022 11:53 AM]
- 03/28/2022 98
2 pg, 96.8 KB Filed clerk order: The second brief on cross-appeal [93] submitted by Apple, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The supplemental excerpts of record [94] submitted by Apple, Inc. are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12406577] [21-16506, 21-16695] (KWG) [Entered: 03/28/2022 03:16 PM]
- 03/31/2022 99
38 pg, 483.18 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Americans for Prosperity Foundation. Date of service: 03/31/2022. [12409442] [21-16506, 21-16695] (Pepson, Michael) [Entered: 03/31/2022 07:05 AM]
- 03/31/2022 100
48 pg, 506.87 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by ACT / The App Association. Date of service: 03/31/2022. [12409489] [21-16506, 21-16695] (Dunn, Robert) [Entered: 03/31/2022 08:21 AM]
- 03/31/2022 101
38 pg, 1.34 MB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Former National Security Officials and Scholars. Date of service: 03/31/2022. [12409518] [21-16506, 21-16695] (Englert, Roy) [Entered: 03/31/2022 08:51 AM]
- 03/31/2022 102
37 pg, 194.93 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Civil Justice Association of California. Date of service: 03/31/2022. [12409575] [21-16695, 21-16506] (Hiestand, Fred) [Entered: 03/31/2022 09:23 AM]
- 03/31/2022 103
45 pg, 407.15 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Washington Legal Foundation. Date of service: 03/31/2022. [12409577] [21-16506, 21-16695] (Masslon, John) [Entered: 03/31/2022 09:25 AM]
- 03/31/2022 104
18 pg, 648.06 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Computer & Communications Industry Association. Date of service: 03/31/2022. [12409620] [21-16506, 21-16695] (Joyce, Stephanie) [Entered: 03/31/2022 09:55 AM]
- 03/31/2022 105
26 pg, 390.91 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Chamber of Progress. Date of service: 03/31/2022. [12409893] [21-16506, 21-16695] (Hirsch, Steven) [Entered: 03/31/2022 01:46 PM]
- 03/31/2022 106 Entered appearance of Amici Curiae Americans for Prosperity Foundation, ACT | The App Association, Former National Security Officials and Scholars, Civil Justice Association of California, WLF and CCIA. [12409900] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 01:50 PM]
- 03/31/2022 107 Entered appearance of Amicus Curiae Chamber of Progress. [12409906] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 01:53 PM]
- 03/31/2022 108
2 pg, 94.6 KB Filed clerk order: The amicus brief [99] submitted by Americans for Prosperity Foundation is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409918] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 01:59 PM]
- 03/31/2022 109
2 pg, 96.35 KB Filed clerk order: The amicus brief [100] submitted by ACT | The App Association is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409923] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:00 PM]

- 03/31/2022 [110](#)
2 pg, 96.27 KB Filed clerk order: The amicus brief [\[101\]](#) submitted by Former National Security Officials and Scholars is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409930] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:02 PM]
- 03/31/2022 [111](#)
40 pg, 632.59 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by International Center for Law & Economics and Scholars of Law and Economics. Date of service: 03/31/2022. [12409936] [21-16506, 21-16695] (Pace, Jack) [Entered: 03/31/2022 02:03 PM]
- 03/31/2022 [112](#)
2 pg, 96.62 KB Filed clerk order: The amicus brief [\[102\]](#) submitted by Civil Justice Association of California is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409940] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:04 PM]
- 03/31/2022 [113](#)
2 pg, 96.24 KB Filed clerk order: The amicus brief [\[103\]](#) submitted by WLF is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409944] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:06 PM]
- 03/31/2022 [114](#)
2 pg, 97.14 KB Filed clerk order: The amicus brief [\[104\]](#) submitted by CCIA is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409951] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:07 PM]
- 03/31/2022 [115](#)
2 pg, 96.22 KB Filed clerk order: The amicus brief [\[105\]](#) submitted by Chamber of Progress is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409956] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:09 PM]
- 03/31/2022 [116](#) Entered appearance of Amici Curiae International Center for Law & Economics and Scholars of Law and Economics. [12409965] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:11 PM]
- 03/31/2022 [117](#)
2 pg, 97.31 KB Filed clerk order: The amicus brief [\[111\]](#) submitted by International Center for Law & Economics and Scholars of Law and Economics is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12409968] [21-16506, 21-16695] (KWG) [Entered: 03/31/2022 02:13 PM]
- 03/31/2022 [118](#)
36 pg, 603.01 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by State of California. Date of service: 03/31/2022. [12409980] [21-16506, 21-16695] (Wang, Brian) [Entered: 03/31/2022 02:16 PM]
- 03/31/2022 [119](#)
47 pg, 377.58 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Law and Economics Scholars, Alden Abbott, Henry N. Butler, Thomas A. Lambert, Alan J. Meese, Aurilien Portuese, John M. Yun. Date of service: 03/31/2022. [12410048] [21-16506, 21-16695] (Falk, Donald) [Entered: 03/31/2022 02:50 PM]
- 03/31/2022 [120](#)
15 pg, 234.71 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Information Technology & Innovation Foundation. Date of service: 03/31/2022. [12410121] [21-16506, 21-16695] (Alvino McGill, Lori) [Entered: 03/31/2022 03:23 PM]
- 03/31/2022 [121](#)
33 pg, 384.82 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Amici Curiae Law Professors in support of Defendant-Counterclaimant-Appellee-Cross-appellant. Date of service: 03/31/2022. [12410122] [21-16506, 21-16695] (Tween, Douglas) [Entered: 03/31/2022 03:23 PM]
- 03/31/2022 [122](#)
32 pg, 295.85 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by The Center for Cybersecurity Policy and Law. Date of service: 03/31/2022. [12410297] [21-16506, 21-16695] (Orenstein, James) [Entered: 03/31/2022 04:49 PM]
- 03/31/2022 [123](#)
12 pg, 141.9 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Roblox Corporation as Amicus Curiae in Support of Defendant-Appellee Cross-Appellant Apple Inc.. Date of service: 03/31/2022. [12410307] [21-16506, 21-16695]--[COURT UPDATE: Attached corrected PDF of the brief. 04/01/2022 by KWG] (Llewellyn, Paul) [Entered: 03/31/2022 04:55 PM]
- 03/31/2022 [124](#) COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [\[126\]](#). Original Text: Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by Law and Business Professors. Date of service: 03/31/2022. [12410331] [21-16506, 21-16695] (Goodhart, Kathleen) [Entered: 03/31/2022 05:39 PM]

- 03/31/2022 [125](#)
37 pg, 790.22 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Former Federal Antitrust Enforcers Ethan Glass, Abbott B. Lipsky, Jr., Leslie Overton, Bilal Sayyed, James Tierney, and Joshua Wright. Date of service: 03/31/2022. [12410335] [21-16506] (Garre, Gregory) [Entered: 03/31/2022 06:24 PM]
- 04/01/2022 [126](#)
44 pg, 326.14 KB Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Law and Business Professors. Date of service: 03/31/2022. [12410562] [21-16506, 21-16695] (Hartnett, Kathleen) [Entered: 04/01/2022 10:18 AM]
- 04/01/2022 127 Received 3 paper copies of supplemental excerpts of record [94](#) in 4 volume(s) and index volume filed by Appellee/Cross-Appellant Apple, Inc. [12410695] [21-16506, 21-16695] (LA) [Entered: 04/01/2022 11:45 AM]
- 04/01/2022 128 Entered appearance of Amici Curiae State of California, Law and Economics Scholars, IT&IF, Law Professors, Center for Cybersecurity Policy and Law, Roblox Corporation, Former Federal Antitrust Enforcers Ethan Glass and Law and Business Professors. [12410816] [21-16506, 21-16695] (KWG) [Entered: 04/01/2022 01:29 PM]
- 04/01/2022 [129](#)
2 pg, 96.27 KB Filed clerk order: The amicus brief [118](#) submitted by State of California is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12410819] [21-16506, 21-16695]--[COURT UPDATE: Updated docket text to reflect correct color cover. 04/04/2022 by KWG] (KWG) [Entered: 04/01/2022 01:35 PM]
- 04/01/2022 [130](#)
2 pg, 96.3 KB Filed clerk order: The amicus brief [119](#) submitted by Law and Economics Scholars is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12410826] [21-16506, 21-16695] (KWG) [Entered: 04/01/2022 01:46 PM]
- 04/01/2022 [131](#)
2 pg, 96.26 KB Filed clerk order: The amicus brief [122](#) submitted by Center for Cybersecurity Policy and Law is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12410830] [21-16506, 21-16695]--[COURT UPDATE: Updated link to reflect correct brief. 04/01/2022 by KWG] (KWG) [Entered: 04/01/2022 01:48 PM]
- 04/01/2022 [132](#)
2 pg, 96.31 KB Filed clerk order: The amicus brief [121](#) submitted by Law Professors is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12410836] [21-16506, 21-16695] (KWG) [Entered: 04/01/2022 01:51 PM]
- 04/01/2022 [133](#)
2 pg, 97.25 KB Filed clerk order: The amicus brief [120](#) submitted by IT&IF is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12410845] [21-16506, 21-16695] (KWG) [Entered: 04/01/2022 01:54 PM]
- 04/01/2022 [134](#)
2 pg, 96.32 KB Filed clerk order: The amicus brief [125](#) submitted by Former Federal Antitrust Enforcers, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12410849] [21-16506, 21-16695] (KWG) [Entered: 04/01/2022 01:56 PM]
- 04/01/2022 [135](#)
2 pg, 96.29 KB Filed clerk order: The amicus brief [126](#) submitted by Law and Business Professors is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12410853] [21-16506, 21-16695] (KWG) [Entered: 04/01/2022 01:58 PM]
- 04/01/2022 136 Received 6 paper copies of Second Brief on Cross-Appeal [93](#) filed by Apple, Inc.. [12411029] [21-16506, 21-16695] (SD) [Entered: 04/01/2022 03:55 PM]
- 04/01/2022 137 Filed (ECF) notice of appearance of Marc J. Zwilling (ZwillGen PLLC, 1900 M Street NW, Suite 250, Washington, DC 20036) for Amicus Curiae Center for Cybersecurity Policy and Law in 21-16506, 21-16695. Date of service: 04/01/2022. (Party was previously proceeding with counsel.) [12411049] [21-16506, 21-16695] (Zwilling, Marc) [Entered: 04/01/2022 04:10 PM]
- 04/01/2022 138 Added Attorney Marc Zwilling for Amicus Curiae Center for Cybersecurity Policy and Law, in cases 21-16506 and 21-16695. [12411055] [21-16506, 21-16695] (HH) [Entered: 04/01/2022 04:14 PM]
- 04/01/2022 [139](#)
2 pg, 96.22 KB Filed clerk order: The amicus brief [123](#) submitted by Roblox Corporation is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification

(attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12411058] [21-16506, 21-16695] (KWG) [Entered: 04/01/2022 04:15 PM]

- 04/04/2022 140 Received 6 paper copies of Amicus Brief [101] filed by Former National Security Officials and Scholars. [12412354] [21-16506, 21-16695] (SD) [Entered: 04/04/2022 04:14 PM]
- 04/04/2022 141 Received 6 paper copies of Amicus Brief [104] filed by CCIA. [12412359] [21-16506, 21-16695] (SD) [Entered: 04/04/2022 04:17 PM]
- 04/04/2022 142 Received 6 paper copies of Amicus Brief [100] filed by ACT | The App Association. [12412362] [21-16506, 21-16695] (SD) [Entered: 04/04/2022 04:20 PM]
- 04/04/2022 143 Received 6 paper copies of Amicus Brief [105] filed by Chamber of Progress. [12412369] [21-16506, 21-16695] (SD) [Entered: 04/04/2022 04:22 PM]
- 04/04/2022 144 Received 6 paper copies of Amicus Brief [111] filed by International Center for Law & Economics and Scholars of Law and Economics. [12412375] [21-16506, 21-16695] (SD) [Entered: 04/04/2022 04:25 PM]
- 04/05/2022 145 Received 6 paper copies of Amicus Brief [123] filed by Roblox Corporation. [12413660] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:10 AM]
- 04/05/2022 146 Received 6 paper copies of Amicus Brief [102] filed by Civil Justice Association of California. [12413666] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:13 AM]
- 04/05/2022 147 Received 6 paper copies of Amicus Brief [103] filed by WLF. [12413671] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:18 AM]
- 04/05/2022 148 Received 6 paper copies of Amicus Brief [99] filed by Americans for Prosperity Foundation. [12413672] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:20 AM]
- 04/05/2022 149 Received 6 paper copies of Amicus Brief [126] filed by Law and Business Professors. [12413674] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:25 AM]
- 04/05/2022 150 Received 6 paper copies of Amicus Brief [119] filed by Law and Economics Scholars. [12413680] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:30 AM]
- 04/05/2022 151 Received 6 paper copies of Amicus Brief [118] filed by State of California. [12413699] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:38 AM]
- 04/05/2022 152 Received 6 paper copies of Amicus Brief [125] filed by Former Federal Antitrust Enforcers, et al.. [12413704] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 09:42 AM]
- 04/06/2022 153 Received 6 paper copies of Amicus Brief [121] filed by Law Professors. [12414357] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 03:53 PM]
- 04/06/2022 154 Received 6 paper copies of Amicus Brief [120] filed by IT&IF. [12414371] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 03:58 PM]
- 04/06/2022 155 Received 6 paper copies of Amicus Brief [122] filed by Center for Cybersecurity Policy and Law. [12414379] [21-16506, 21-16695] (SD) [Entered: 04/06/2022 04:08 PM]
- 04/26/2022 156 Filed (ECF) notice of appearance of Ryan J. Walsh (Eimer Stahl LLP, 10 East Doty Street, Suite 800, Madison, WI 53703) for Amicus Curiae IT&IF in 21-16506, 21-16695. Substitution for Attorney Lori Alvino McGill for Amicus Curiae IT&IF in 21-16506, 21-16695. Date of service: 04/26/2022. (Party was previously proceeding with counsel.) [12431260] [21-16506, 21-16695] (Walsh, Ryan) [Entered: 04/26/2022 11:46 AM]
- 04/26/2022 157 Attorney Lori Alvino McGill in 21-16506 and Attorney Lori Alvino McGill in 21-16695 substituted by Attorney Ryan Walsh in 21-16506 and Attorney Ryan Walsh in 21-16695 [12431280] [21-16506, 21-16695] (DJV) [Entered: 04/26/2022 11:53 AM]
- 05/09/2022 158 Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Mr. Mark Andrew Perry for Appellee Apple, Inc. in 21-16506, Attorney Mr. Mark Andrew Perry for Appellant Apple, Inc. in 21-16695. Party proceeding without counsel: No. Date of service: 05/09/2022. [12441500] [21-16506, 21-16695] (Perry, Mark) [Entered: 05/09/2022 11:30 AM]
- 05/09/2022 159 Terminated Mark Andrew Perry for Apple, Inc. in 21-16506 and Apple, Inc. in 21-16695 [12441510] [21-16506, 21-16695] (DJV) [Entered: 05/09/2022 11:35 AM]
- 05/18/2022 160 Filed (ECF) notice of appearance of Mark Andrew Perry (Weil, Gotshal & Manges, LLP, 2001 M Street, NW, Washington, D.C. 20036) for Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695. Date of service: 05/18/2022. (Party was previously proceeding with counsel.) [12450025] [21-16506, 21-16695] (Perry, Mark) [Entered: 05/18/2022 11:42 AM]
- 05/18/2022 161 Added Attorney(s) Mark Andrew Perry for party(s) Appellee Apple, Inc., in case 21-16506 Attorney(s) Mark Andrew Perry for party(s) Appellant Apple, Inc., in case 21-16695. [12450035] [21-16506, 21-16695] (DJV)

[Entered: 05/18/2022 11:46 AM]

- 05/25/2022 162
9 pg, 145.69 KB Filed (ECF) Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695 Unopposed Motion to file oversized brief. Date of service: 05/25/2022. [12455909] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 05/25/2022 10:27 AM]
- 05/25/2022 163
136 pg, 953.56 KB Submitted (ECF) Third Brief on Cross-Appeal for review. Submitted by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 05/25/2022. [12455934] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 05/25/2022 10:36 AM]
- 05/25/2022 164
255 pg, 9.12 MB Submitted (ECF) further excerpts of record. Submitted by Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695. Date of service: 05/25/2022. [12455957] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 05/25/2022 10:44 AM]
- 05/26/2022 165 Filed (ECF) Streamlined request for extension of time to file Cross-Appeal Reply Brief by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695. New requested due date is 07/15/2022. [12456988] [21-16506, 21-16695] (Perry, Mark) [Entered: 05/26/2022 09:51 AM]
- 05/26/2022 166 **Streamlined request [165] by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 to extend time to file the brief is not approved because it is unnecessary. The briefing schedule is stayed. See 9th Cir. R. 32-2.** [12457350] [21-16506, 21-16695] (JN) [Entered: 05/26/2022 01:30 PM]
- 05/26/2022 167
2 pg, 123.59 KB Filed clerk order (Deputy Clerk: JN): Epic Games, Inc.'s unopposed motion to exceed the type-volume limitations for the third brief on cross-appeal (Docket Entry No. [162]) is granted. See 9th Cir. R. 32-2(a). The Clerk will file the brief submitted at Docket Entry No. [163]. [12457737] [21-16506, 21-16695] (AF) [Entered: 05/26/2022 03:53 PM]
- 05/26/2022 168
2 pg, 96.38 KB Filed clerk order: The third brief on cross-appeal [163] submitted by Epic Games, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: yellow. The further excerpts of record [164] submitted by Epic Games, Inc. are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12457787] [21-16506, 21-16695] (LA) [Entered: 05/26/2022 04:34 PM]
- 05/27/2022 169 Filed (ECF) Streamlined request for extension of time to file Cross-Appeal Reply Brief by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695. New requested due date is 07/15/2022. [12458101] [21-16506, 21-16695] (Perry, Mark) [Entered: 05/27/2022 10:06 AM]
- 05/27/2022 170 **Streamlined request [169] by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 07/15/2022.** [12458164] [21-16506, 21-16695] (JN) [Entered: 05/27/2022 10:38 AM]
- 05/31/2022 171 Received 6 paper copies of Third Brief on Cross-Appeal [163] filed by Epic Games, Inc.. [12460114] [21-16506, 21-16695] (SD) [Entered: 05/31/2022 03:19 PM]
- 05/31/2022 172 Received 3 paper copies of further excerpts of record [164] in 1 volume(s) filed by Appellant Epic Games, Inc. [12460123] [21-16506, 21-16695] (SD) [Entered: 05/31/2022 03:22 PM]
- 06/01/2022 173
48 pg, 826.64 KB Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by UCL Practitioners and Scholars. Date of service: 06/01/2022. [12461615] [21-16506, 21-16695] (Kesselman, David) [Entered: 06/01/2022 08:16 PM]
- 06/02/2022 174 Entered appearance of Amicus Curiae - Pending Unfair Competition Law Practitioners and Scholars. [12461896] [21-16506, 21-16695] (LA) [Entered: 06/02/2022 11:11 AM]
- 06/02/2022 175
7 pg, 308.04 KB Filed (ECF) Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695 response opposing motion ([173] Motion (ECF Filing), [173] Motion (ECF Filing) motion to become amicus). Date of service: 06/02/2022. [12462020] [21-16506, 21-16695] (Perry, Mark) [Entered: 06/02/2022 11:54 AM]
- 06/03/2022 176
2 pg, 98.62 KB Filed clerk order (Deputy Clerk: GS): Motion [173] and opposition [175] (ECF Filing) is referred to panel.; Motion (ECF Filing) motion to become amicus is referred to panel. (see attached PDF for complete order addressing Dkt No. 173) [12463052] [21-16506, 21-16695] (GS) [Entered: 06/03/2022 12:27 PM]
- 06/06/2022 177 Received 6 paper copies of Amicus Brief [173] filed by Unfair Competition Law Practitioners and Scholars. [12464446] [21-16506, 21-16695] (SD) [Entered: 06/06/2022 02:27 PM]
- 06/09/2022 178
6 pg, 192.76 KB Filed (ECF) Amicus Curiae - Pending Unfair Competition Law Practitioners and Scholars in 21-16506, 21-16695 reply to response (motion to become amicus). Date of service: 06/09/2022. [12467944] [21-16506, 21-16695] (Kesselman, David) [Entered: 06/09/2022 05:22 PM]
- 06/23/2022 179 This case is being considered for an upcoming oral argument calendar in San Francisco

Please review the San Francisco sitting dates for October 2022 and the 2 subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file **Form 32 within 3 business days of this notice** using the CM/ECF filing type

Response to Case Being Considered for Oral Argument. Please follow the form's [instructions](#) carefully.

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** Correspondence to Court; **Subject:** request for mediation).[12478548]. [21-16506, 21-16695] (KS) [Entered: 06/23/2022 02:11 PM]

06/28/2022 [180](#)
1 pg, 475 KB

Filed (ECF) Attorney Mr. Mark Andrew Perry for Appellee Apple, Inc. response to notice for case being considered for oral argument. Date of service: 06/28/2022. [12482082] [21-16506] (Perry, Mark) [Entered: 06/28/2022 02:12 PM]

06/29/2022 [181](#)
2 pg, 175.55 KB

Filed (ECF) Appellant Epic Games, Inc. in 21-16506, Appellee Epic Games, Inc. in 21-16695 Correspondence: Objection to Apple Inc.'s Response to Notice of Case Being Considered for Oral Argument. Date of service: 06/29/2022 [12483482] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 06/29/2022 04:52 PM]

06/29/2022 [182](#)
2 pg, 175.55 KB

Filed (ECF) Appellee Epic Games, Inc. in 21-16695, Appellant Epic Games, Inc. in 21-16506 Correspondence: Objection to Apple Inc.'s Response to Notice of Case Being Considered for Oral Argument. Date of service: 06/29/2022 [12483493] [21-16695, 21-16506] (Forrest, Katherine) [Entered: 06/29/2022 04:56 PM]

07/15/2022 [183](#)
39 pg, 568.6 KB

Submitted (ECF) Cross-Appeal Reply Brief for review. Submitted by Appellee Apple, Inc. in 21-16506, Appellant Apple, Inc. in 21-16695. Date of service: 07/15/2022. [12494512] [21-16506, 21-16695] (Perry, Mark) [Entered: 07/15/2022 09:00 AM]

07/15/2022 [184](#)
2 pg, 96.63 KB

Filed clerk order: The cross-appeal reply brief [183] submitted by Apple, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [12495006] [21-16506, 21-16695] (LA) [Entered: 07/15/2022 02:14 PM]

07/20/2022 185

Received 6 paper copies of Cross-Appeal Reply Brief [183] filed by Apple, Inc. [12498616] [21-16506, 21-16695] (SD) [Entered: 07/20/2022 03:35 PM]

08/07/2022 186

Notice of Oral Argument on Friday, October 21, 2022 - 09:00 A.M. - Courtroom 3 - Scheduled Location: San Francisco CA.
The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Check [here](#) for updates on the status of reopening as the hearing date approaches. At this time, even when in person hearings resume, an election to appear remotely by video will not require a motion, **and any attorney wishing to appear in person must provide proof of vaccination**. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the **[ACKNOWLEDGMENT OF HEARING NOTICE](#)** filing type in CM/ECF no later than 28 days before Friday, October 21, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12511196]. [21-16506, 21-16695] (KS) [Entered: 08/07/2022 06:12 AM]

08/08/2022 187

Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Mark Andrew Perry for Appellee Apple, Inc. in 21-16506, Attorney Mr. Mark Andrew Perry for Appellant Apple, Inc. in 21-16695. Hearing in San Francisco on 10/21/2022 at 09:00 A.M. (Courtroom: Courtroom 3). Filer sharing argument time: No. Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer

admission status: I certify that I am admitted to practice before this Court. Date of service: 08/08/2022. [12511887] [21-16506, 21-16695] (Perry, Mark) [Entered: 08/08/2022 12:13 PM]

09/16/2022 188
5 pg, 149.84 KB

Filed (ECF) Amicus Curiae USA in 21-16506, 21-16695 Motion for miscellaneous relief [Leave to Participate in Oral Argument]. Date of service: 09/16/2022. [12542163] [21-16506, 21-16695] (Levin, Nickolai) [Entered: 09/16/2022 11:38 AM]

09/16/2022 189
3 pg, 138.13 KB

Filed (ECF) Amicus Curiae State of California in 21-16506, 21-16695 Motion for miscellaneous relief [Leave to Participate in Oral Argument]. Date of service: 09/16/2022. [12542174] [21-16506, 21-16695] (Wang, Brian) [Entered: 09/16/2022 11:46 AM]

09/16/2022 190
2 pg, 39.47 KB

Filed clerk order (Deputy Clerk: AF): The unopposed motion of the United States to participate in oral argument in support of neither party is GRANTED. The United States shall have ten minutes of argument time in addition to and independent of the parties' argument time. Apple is allocated an additional ten minutes of argument time, independent of the time already granted to Apple. The motion of the State of California to participate in oral argument in support of neither party is GRANTED. The State of California shall have five minutes of argument time in addition to and independent of the parties' argument time. [12542435] [21-16506, 21-16695] (AF) [Entered: 09/16/2022 02:31 PM]

09/20/2022 191

Filed (ECF) Acknowledgment of hearing notice by Attorney Tom Goldstein for Appellant Epic Games, Inc. in 21-16506, Attorney Tom Goldstein for Appellee Epic Games, Inc. in 21-16695. Hearing in San Francisco on 10/21/2022 at 09:00 A.M. (Courtroom: Courtroom 3, 3rd Floor Rm 307). Filer sharing argument time: No. Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/20/2022. [12544196] [21-16506, 21-16695] (Goldstein, Tom) [Entered: 09/20/2022 09:18 AM]

09/20/2022 192

Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Nickolai Gilford Levin for Amicus Curiae USA in 21-16506, 21-16695. Hearing in San Francisco on 10/21/2022 at 09:00 A.M. (Courtroom: 3). Filer sharing argument time: No. (Argument minutes: 10) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/20/2022. [12544222] [21-16506, 21-16695] (Levin, Nickolai) [Entered: 09/20/2022 09:32 AM]

09/20/2022 193

Filed (ECF) notice of appearance of Joshua Patashnik (California Department of Justice, 600 West Broadway, Suite 1800, San Diego, CA 92101) for Amicus Curiae State of California in 21-16506, 21-16695. Date of service: 09/20/2022. (Party was previously proceeding with counsel.) [12544396] [21-16506, 21-16695] (Patashnik, Joshua) [Entered: 09/20/2022 11:12 AM]

09/20/2022 194

Added Attorney(s) Joshua Patashnik for party(s) Amicus Curiae State of California, in case 21-16506 Attorney(s) Joshua Patashnik for party(s) Amicus Curiae State of California, in case 21-16695. [12544404] [21-16506, 21-16695] (DJV) [Entered: 09/20/2022 11:15 AM]

09/20/2022 195

Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Joshua Patashnik for Amicus Curiae State of California in 21-16506, 21-16695. Hearing in San Francisco on 10/21/2022 at 09:00 A.M. (Courtroom: Courtroom 3). Filer sharing argument time: No. (Argument minutes: 5) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 09/20/2022. [12544412] [21-16506, 21-16695] (Patashnik, Joshua) [Entered: 09/20/2022 11:20 AM]

10/04/2022 196

Notice of Oral Argument on Friday, October 21, 2022 - 09:00 A.M. - Courtroom 1 - Scheduled Location: San Francisco CA.

The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Anyone appearing in person must review and comply with our Protocols for In Person Hearings, available [here](#). At this time, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the **GUIDELINES** for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 28 days before Friday, October 21, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12555973]. [21-16506, 21-16695] (KS) [Entered: 10/04/2022 03:38 PM]

10/15/2022 197
2 pg. 98.93 KB

Filed clerk order (Deputy Clerk: SVG): Due to the unforeseen availability of one of the panel members, the hearing in these appeals scheduled for October 21, 2022 in San Francisco is postponed. The Clerk will reach out to the parties to reschedule. [12564274] [21-16506, 21-16695] (SVG) [Entered: 10/15/2022 11:01 AM]

10/15/2022 198

Case came on for submission before SIDNEY R. THOMAS, MILAN D. SMITH, JR. and MICHAEL J. MCSHANE SUBMISSION DEFERRED. [12564275] [21-16506, 21-16695] (SVG) [Entered: 10/15/2022 11:05 AM]

10/19/2022 199

Notice of Oral Argument on Monday, November 14, 2022 - 2:00 P.M. - Courtroom 1 - Scheduled Location: San Francisco CA.

The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Anyone appearing in person must review and comply with our Protocols for In Person Hearings, available [here](#). At this time, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the **GUIDELINES** for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 28 days before Monday, November 14, 2022. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12567056]. [21-16506, 21-16695] (KS) [Entered: 10/19/2022 08:38 AM]

10/19/2022 200

Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Mark Andrew Perry for Appellant Apple, Inc. in 21-16695. Hearing in San Francisco on 11/14/2022 at 2:00 P.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 30) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 10/19/2022. [12567383] [21-16506, 21-16695] (Perry, Mark) [Entered: 10/19/2022 11:07 AM]

10/19/2022 201

Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Nickolai Gilford Levin for Amicus Curiae USA in 21-16506. Hearing in San Francisco on 11/14/2022 at 2:00 P.M. (Courtroom: 1). Filer sharing argument time: No. (Argument minutes: 10) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 10/19/2022. [12567405] [21-16506, 21-16695] (Levin, Nickolai) [Entered: 10/19/2022 11:17 AM]

10/19/2022 202

Filed (ECF) Acknowledgment of hearing notice by Attorney Tom Goldstein for Appellant Epic Games, Inc. in 21-16506, Attorney Tom Goldstein for Appellee Epic Games, Inc. in 21-16695. Hearing in San Francisco on 11/14/2022 at 2:00 P.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 10/19/2022. [12567433] [21-16506, 21-16695] (Goldstein, Tom) [Entered: 10/19/2022 11:27 AM]

10/19/2022 203

Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. Joshua Patashnik for Amicus Curiae State of California in 21-16506, 21-16695. Hearing in San Francisco on 11/14/2022 at 2:00 P.M. (Courtroom: 1). Filer sharing argument time: No. (Argument minutes: 5) Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 10/19/2022. [12567467] [21-16506, 21-16695] (Patashnik, Joshua) [Entered: 10/19/2022 11:37 AM]

11/09/2022	<input type="checkbox"/> <u>204</u> 3 pg, 34.35 KB	Filed clerk order (Deputy Clerk: PA): Associated Press applied to video/audio record for later broadcast, the cases captioned above, scheduled to be heard at the James R. Browning, US Courthouse in San Francisco, CA, on Monday, November 14, 2022. Associated Press' request to video/audio record for later broadcast is GRANTED.[12583386] [21-16506, 21-16695] (PA) [Entered: 11/09/2022 09:46 AM]
11/09/2022	<input type="checkbox"/> <u>205</u> 2 pg, 33.73 KB	Filed clerk order (Deputy Clerk: PA):Associated Press applied to photograph with still camera, the cases captioned above, scheduled to be heard at the James R. Browning, US Courthouse in San Francisco, CA, on Monday, November 14, 2022. Associated Press' request is GRANTED subject to the condition, that still photography should not occur during the actual arguments, but can be taken as the advocates approach the podium. (PANEL) [12583421] [21-16506, 21-16695] (PA) [Entered: 11/09/2022 10:03 AM]
11/14/2022	<input type="checkbox"/> 207	ARGUED AND SUBMITTED TO SIDNEY R. THOMAS, MILAN D. SMITH, JR. and MICHAEL J. MCSHANE. [12590423] [21-16506, 21-16695] --[Edited: Backdated entry to reflect correct filing date. 11/17/2022 by TYL] (ER) [Entered: 11/17/2022 03:04 PM]
11/16/2022	<input type="checkbox"/> <u>206</u> 1 pg, 68.06 MB	Filed Audio recording of oral argument. Note: Video recordings of public argument calendars are available on the Court's website, at http://www.ca9.uscourts.gov/media/ [12588529] [21-16506, 21-16695] (LW) [Entered: 11/16/2022 09:45 AM]
01/20/2023	<input type="checkbox"/> 208	Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Mr. Joshua M. Wesneski for Appellee Apple, Inc. in 21-16506, Attorney Mr. Joshua M. Wesneski for Appellant Apple, Inc. in 21-16695. Party proceeding without counsel: No. Date of service: 01/20/2023. [12634424] [21-16506, 21-16695] (Wesneski, Joshua) [Entered: 01/20/2023 06:34 AM]
01/20/2023	<input type="checkbox"/> 209	Terminated Joshua M. Wesneski for Apple, Inc. in 21-16506 and Apple, Inc. in 21-16695 [12634430] [21-16506, 21-16695] (NAC) [Entered: 01/20/2023 07:09 AM]
01/23/2023	<input type="checkbox"/> 210	Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Katherine Forrest for Appellant Epic Games, Inc. in 21-16506, Attorney Katherine Forrest for Appellee Epic Games, Inc. in 21-16695. Party proceeding without counsel: No. Date of service: 01/23/2023. [12636227] [21-16506, 21-16695] (Forrest, Katherine) [Entered: 01/23/2023 02:43 PM]
01/23/2023	<input type="checkbox"/> 211	Terminated Katherine Forrest for Epic Games, Inc. in 21-16506 and Epic Games, Inc. in 21-16695 [12636319] [21-16506, 21-16695] (NAC) [Entered: 01/23/2023 03:36 PM]

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