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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 SOCIÉTÉ DU FIGARO, SAS, a French
16 simplified joint-stock company; L'ÉQUIPE
24/24 SAS, a French simplified joint-stock
17 company, on behalf of themselves and all
others similarly situated; and LE GESTE, a
18 French association, on behalf of itself, its
members, and all others similarly situated,

19 Plaintiffs,

20 v.

21 APPLE INC., a California corporation,

22 Defendant.
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CASE NO. 4:22-cv-04437-YGR

**DEFENDANT APPLE INC.'S MOTION TO
DISMISS PLAINTIFFS' AMENDED
COMPLAINT**

Hearing:

Date: March 14, 2023

Time: 2:00 p.m.

Place: Courtroom 1

Judge: Hon. Yvonne Gonzalez Rogers

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on March 14, 2023 at 2:00 p.m. before the Honorable Yvonne
3 Gonzalez Rogers, in Courtroom 1 of the United States District Court, Northern District of California,
4 located at 1301 Clay Street, Oakland, CA 94612, defendant Apple Inc. (“Apple”) moves this Court to
5 dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), with prejudice, the
6 amended claims, in whole, or alternatively, in part, brought by plaintiffs Société du Figaro, SAS,
7 L’Équipe 24/24 SAS, and le GESTE. Apple’s motion is based on the grounds that (1) plaintiffs’
8 foreign-sales claims are barred by the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a;
9 (2) plaintiffs lack Article III and statutory standing to challenge, and fail to state a claim challenging,
10 Apple’s App Tracking Transparency functionality; (3) plaintiff le GESTE lacks Article III and
11 statutory standing; (4) all claims are time-barred or barred by laches; and (5) plaintiffs fail to state a
12 claim for restitution.

13 This motion is based on this Notice of Motion and Motion, the following Memorandum of
14 Points and Authorities, the concurrently filed Request for Judicial Notice, the Declaration of Caeli A.
15 Higney, the pleadings and papers on file, and the argument received by the Court.

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By: /s/ Cynthia E. Richman

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