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9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 BARRY RICHARDS, individually and on
14 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 APPLE INC.

18 Defendant.
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CASE NO. 3:22-CV-01095-CRB

**DEFENDANT APPLE INC.'S NOTICE
OF MOTION AND MOTION TO
DISMISS PLAINTIFF'S CLASS
ACTION COMPLAINT;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

Date: July 22, 2022

Time: 10:00 a.m.

Place: Courtroom 6, 17th Floor

Judge: Honorable Charles R. Breyer

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NOTICE OF MOTION AND MOTION

TO THIS HONORABLE COURT, THE PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE THAT on July 22, 2022 at 10:00 a.m. in Courtroom 6 of the United States District Court for the Northern District of California, San Francisco Division, located at 450 Golden Gate Avenue, San Francisco, California, Defendant Apple Inc. (“Apple”) will and hereby does move to dismiss with prejudice all claims brought by Plaintiff Barry Richards in the Class Action Complaint. This motion is supported by the attached Memorandum of Points and Authorities and by the Declaration of Nicole C. Valco and the Request for Judicial Notice and Incorporation by Reference filed herewith.

Apple respectfully submits this motion under Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1) on the grounds that Plaintiff does not allege sufficient facts to state a claim for any cause of action or to establish subject matter jurisdiction over his claim for injunctive relief.

Dated: April 27, 2022

Respectfully submitted,
LATHAM & WATKINS LLP
By: /s/ Melanie M. Blunschi
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