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11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN JOSE DIVISION

14
15 APPLE INC.,

16 Plaintiff,

17 vs.

18 RIVOS INC., WEN SHIH-CHIEH a/k/a
19 RICKY WEN and BHASI KAITHAMANA,

20 Defendants.

Case No. 5:22-CV-2637-EJD

**DEFENDANT WEN SHIH-CHIEH (a/k/a
RICKY WEN)'S NOTICE OF MOTION
AND MOTION TO DISMISS**

Date: January 19, 2023

Time: 9:00 a.m.

Courtroom: 4

Judge: The Hon. Edward J. Davila

Trial Date: None Set

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1 **NOTICE OF MOTION AND MOTION**

2 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

3 PLEASE TAKE NOTICE that, on January 19, 2023, at 9:00 a.m., or as soon thereafter as
4 the matter may be heard in the above-entitled Court, the Honorable Edward J. Davila presiding,
5 located at the San Jose Courthouse, Courtroom 4, 5th Floor, 280 South 1st Street, San Jose, CA
6 95113, Defendant Ricky Wen will and hereby does move this Court for an order dismissing Plaintiff
7 Apple Inc.'s Complaint (Dkt. No. 1) pursuant to Federal Rule of Civil Procedure 12(b)(6). The
8 motion is made on the grounds that the Complaint fails to state a claim for which relief may be
9 granted.

10 This motion is based on this Notice of Motion and Motion, the accompanying Memorandum
11 of Points and Authorities, the other pleadings and filings on record in this action, as well as other
12 written or oral argument that Ricky Wen may present to the Court.

13
14 DATED: June 30, 2022

Respectfully submitted,

15 QUINN EMANUEL URQUHART & SULLIVAN,
16 LLP

17
18 By /s/ Stephen Swedlow

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