No. _____

IN THE

Supreme Court of the United States

EPIC GAMES, INC.,

Applicant,

V.

APPLE INC.,

Respondent.

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT ON APPLICATION TO VACATE NINTH CIRCUIT'S STAY OF ITS MANDATE AND STAY OF PERMANENT INJUNCTION ISSUED BY THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

APPENDIX TO EMERGENCY APPLICATION TO VACATE THE NINTH CIRCUIT'S STAY OF ITS MANDATE OR STAY PENDING APPEAL

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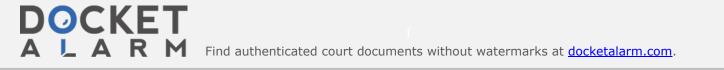SAN FRANCISCO, CA 94111-4180
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Appendix A

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

EPIC GAMES, INC.,	No. 21-16506
Plaintiff-counter-defendant-Appellant,	D.C. No. 4:20-cv-05640-YGR
v.	
APPLE, INC.,	ORDER
Defendant-counter-claimant-Appellee.	

EPIC GAMES, INC.,	No. 21-16695
Plaintiff-counter-defendant-Appellee,	D.C. No. 4:20-cv-05640-YGR
v.	
APPLE, INC.,	
Defendant-counter-claimant-Appellant.	

Filed July 17, 2023

2   Epic Games, Inc. v. Apple, Inc.

Before: SIDNEY R. THOMAS and MILAN D. SMITH,
JR., Circuit Judges, and MICHAEL J. MCSHANE,[*]
District Judge.

Order;
Concurrence by Judge M. Smith

ORDER

Apple's Motion to Stay the Mandate (Dkt No. 247) is
GRANTED. Pursuant to Rule 41(d) of the Federal Rules of
Appellate Procedure, the mandate is stayed for 90 days to
permit the filing of a petition for writ of certiorari in the
Supreme Court. Apple must notify the Court in writing that
the petition has been filed, in which case the stay will
continue until the Supreme Court resolves the petition. *See*
Fed. R. App. P. 41(d)(2)(B)(ii). Should the Supreme Court
grant certiorari, the mandate will be stayed pending
disposition of the case. Should the Supreme Court deny
certiorari, the mandate will issue immediately. The parties
shall advise this Court immediately upon the Supreme
Court's decision.

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[*] The Honorable Michael J. McShane, United States District Judge for
the District of Oregon, sitting by designation.

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