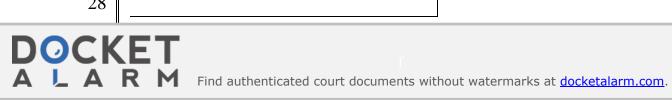
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16	UNITED STATES DISTRICT COURT		
17	NORTHERN DISTRICT OF CALIFORNIA		
18	OAKLAND DIVISION		
19		1	
20	EPIC GAMES, INC.,	No. 4:20-CV-05640-YGR-TSH	
21	Plaintiff and Counter-defendant,	DECLARATION OF M. BRENT BYARS IN SUPPORT OF PLAINTIFF	
22	vs.	EPIC GAMES, INC.'S OPPOSITION TO DEFENDANT APPLE INC.'S MOTION	
23	APPLE INC.,	FOR STAY OF INJUNCTION PENDING APPEAL	
24	Defendant and Counterclaimant.	Date: Nov. 16, 2021, 2 p.m. (noticed date)	
25		Nov. 9, 2021, 2 p.m. (stipulated date pending Court approval)	
26		Courtroom: 1, 4th Floor	
27		Judge: Hon. Yvonne Gonzalez-Rogers	
28			



I, M. Brent Byars, declare as follows:

- 1. I am an attorney at the law firm of Cravath, Swaine & Moore LLP, and am one of the attorneys representing Epic Games, Inc. ("Epic") in this action. I am admitted to appear before this Court *pro hac vice*.
- 2. I submit this declaration in support of Epic's Opposition to Apple Inc.'s ("Apple") Motion for Stay of Injunction Pending Appeal. The contents of this declaration are based on my personal knowledge. If called as a witness, I could and would competently testify thereto.
- 3. Attached as **Exhibit A** is a true and correct copy of an article by Chance Miller, *Apple describes Epic Games ruling as a 'resounding victory' for the App Store*, 9to5Mac (September 10, 2021), https://9to5mac.com/2021/09/10/apple-epic-games-ruling-statement/.
- 4. Attached as **Exhibit B** is a true and correct copy of an article by Adi Robertson and Zoe Schiffer, *Tim Cook tells Apple employees he's 'looking forward to moving forward' after Epic ruling*, The Verge (September 17, 2021), https://www.theverge.com/2021/9/17/2 2679724/tim-cook-epic-apple-antitrust-ruling-employee-meeting.
- 5. Attached as **Exhibit C** is a true and correct copy of a letter written by Gary A. Bornstein to Mark A. Perry dated September 14, 2021, with two redactions concerning sensitive information. The redactions that appear in this exhibit conceal solely Apple's bank account and routing numbers.
- 6. Attached as **Exhibit D** is a true and correct copy of a letter written by Gary A. Bornstein to Mark A. Perry dated September 12, 2021.
- 7. Attached as **Exhibit E** is a true and correct copy of an article written by Juli Clover, *Epic Games Asks Apple to Restore Fortnite in South Korea Following Ban on In-App Purchase Requirement*, MacRumors (September 9, 2021), https://www.macrumors.com/2 021/09/09/epic-games-fortnite-south-korea/.



8. Attached as **Exhibit F** is a collection of true and correct screenshots of the App Store pages for *PlayerUnknown's Battlegrounds* ("*PUBG*"), *Mortal Kombat* and *Hello Neighbor*, which show in-app purchase options. The table below lists the respective page numbers for each in the Exhibit. The screenshots were taken on October 18, 2021 and October 19, 2021.

Арр	Exhibit Pages
PUBG	1-2
Mortal Kombat	3-4
Hello Neighbor	5-6

- 9. Attached as **Exhibit G** is an article by Chance Ivey, *Hello Neighbor Mod Kit Released, Mod Contest Announced*, Unreal Engine (October 6, 2017), https://www.unrealengine.com/en-US/blog/hello-neighbor-mod-kit-released-mod-contest-announced.
- 10. Attached as **Exhibit H** is a collection of true and correct screenshots of the App Store pages for *Unreal Remote*, *Unreal Remote* 2, *Unreal Match* 3, *Action RPG Game Sample*, *Live Link Face* and *Live Link VCAM*. The table below lists the respective page numbers for each in the Exhibit. The screenshots were taken on October 18, 2021.

App	Exhibit Pages
Unreal Remote	1-2
Unreal Remote 2	3-4
Unreal Match 3	5-6
Action RPG Game Sample	7-8
Live Link Face	9-10
Live Link VCAM	11-12

- 11. Attached as **Exhibit I** is an article by Kate Park, *Epic Games asks Apple to reinstate Fortnite in South Korea after new law*, TechCrunch (September 9, 2021), https://techcrunch.com/2021/09/09/epic-games-asks-apple-to-reinstate-fortnite-in-south-korea-afternew-law/.
- 12. Attached as **Exhibit J** is an article by Michael Potuck, *Spotify happy with Epic vs. Apple ruling but says more Apple legislation is 'urgent'*, 9to5Mac (September 10, 2021), https://9to5mac.com/2021/09/10/spotify-happy-epic-vs-apple-ruling-wants-more-apple-legislation/.



- 13. Attached as **Exhibit K** is a collection of tweets from Zach Shakked (@zachshakked) dated September 11, 2021, https://twitter.com/zachshakked/status/14367932 58471051264, and from Denys Zhadanov (@DenZhadanov) dated September 10, 2021, https://twitter.com/DenZhadanov/status/1436462992028311584.
- 14. Attached as **Exhibit L** is an article by Joyce Lee, *S. Korea targets Apple over new app store regulation*, Reuters (October 15, 2021), https://www.reuters.com/technology/skorea-targets-apple-over-new-app-store-regulation-2021-10-15/.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration on October 22, 2021 in New York, New York.

/s/ M. Brent Byars
M. Brent Byars

