

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUN 30 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

EPIC GAMES, INC.,

Plaintiff-counter-  
defendant-Appellant,

v.

APPLE, INC.,

Defendant-counter-claimant-  
Appellee.

No. 21-16506

D.C. No. 4:20-cv-05640-YGR  
Northern District of California,  
Oakland

ORDER

EPIC GAMES, INC.,

Plaintiff-counter-  
defendant-Appellee,

v.

APPLE, INC.,

Defendant-counter-claimant-  
Appellant.

No. 21-16695

D.C. No. 4:20-cv-05640-YGR

Before: S.R. THOMAS and M. SMITH, Circuit Judges, and McSHANE,\* District Judge.

The panel has unanimously voted to deny the petitions for panel rehearing.

Judge M. Smith has voted to deny the petitions for rehearing en banc, and Judges

---

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

S.R. Thomas and McShane so recommend. The full court has been advised of the petitions for rehearing en banc and no judge of the court has requested a vote. Fed. R. App. P. 35. The petitions for panel rehearing and rehearing en banc (Dkt Nos. 224 and 225) are DENIED.