

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTES

Date: June 5, 2024	Time: 19 minutes	Judge: YVONNE GONZALEZ ROGERS
Case No.: 20-cv-05640-YGR	Case Name: Epic Games v. Apple Inc.	

Attorney for Plaintiff: Gary Bornstein and Yonatan Even; via Zoom

Attorney for Defendant: Mark Perry and Dana Craig; via Zoom

Deputy Clerk: Edwin Angelo A. Cuenco

Court Reporter: Raynee Mercado; via Zoom

PROCEEDINGS

Status Conference – HELD via Zoom.

The Court discussed the scope and timetable for an additional production of documents by Apple relative to the link entitlement program and associated commission rates.

The parties previously agreed to a two-step process through which Apple will first (i) identify and produce certain “go-gets” relative to Carson Oliver’s testimony and secondly will (ii) produce additional documents relative to the company’s decision-making process concerning the link entitlement program and associated commission rate.

The Court Ordered Apple to complete the first step of the process by no later than Friday, June 14, 2024. This shall involve the production of the Quip records to which Oliver had access relative to the link entitlement program and associated commission rates.

Separately, Epic informed the Court that the documents already produced relative to Oliver’s involvement in the link entitlement program and associated commission rates contained some redactions for confidentiality. As discussed, Apple is instructed to remove redactions for confidentiality and to provide the resulting, unredacted documents to Epic by no later than Friday, June 15, 2024. To the extent Apple wishes to maintain other redactions for privilege, they shall provide Epic with a privilege log. As the Court has said multiple times on the record, the mere presence of an attorney on an email thread is insufficient to privilege the email; legal advice must be a component of the communication for it to be potentially privileged.

The parties shall continue to meet and confer regarding the second step of this production after Epic receives the additional Oliver materials.

This case is continued to Monday, June 17, 2024, at 4:00 p.m. PST for Status Conference via Zoom.