

GARY A. BORNSTEIN (*pro hac vice*)
gbornstein@cravath.com
YONATAN EVEN (*pro hac vice*)
yeven@cravath.com
LAUREN A. MOSKOWITZ (*pro hac vice*)
lmoskowitz@cravath.com
MICHAEL J. ZAKEN (*pro hac vice*)
mzaken@cravath.com
M. BRENT BYARS (*pro hac vice*)
mbyars@cravath.com
CRAVATH, SWAINE & MOORE LLP
375 Ninth Avenue
New York, New York 10001
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

MATTHEW J. ADLER (SBN 273147)
matthew.adler@faegredrinker.com
FAEGRE DRINKER BIDDLE & REATH LLP
Four Embarcadero Center
San Francisco, California 94111
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

*Attorneys for Plaintiff and Counter-defendant
Epic Games, Inc.*

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

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**EPIC GAMES, INC.'S RESPONSE TO
APPLE INC.'S ADMINISTRATIVE
MOTION FOR REFERRAL TO
SETTLEMENT CONFERENCE**

Judge: Hon. Yvonne Gonzalez Rogers

1 Pursuant to Civil Local Rule 7-11(b), Plaintiff and Counter-defendant Epic Games, Inc.
2 (“Epic”) submits this Response to Apple Inc.’s (“Apple”) Administrative Motion for Referral to
3 Settlement Conference (ECF No. 1710).

4 Epic always has been, and remains today, willing to entertain any direct approach from
5 Apple with a serious settlement proposal that would introduce competition and benefit all
6 developers. Epic does not believe the prospects of such settlement would be meaningfully
7 advanced through referral to a settlement conference at this juncture. Of course, should this Court
8 order referral to a settlement conference, Epic will participate in good faith.

1 Dated: August 17, 2026

Respectfully submitted,

2 By: /s/ Gary A. Bornstein

3
4 **FAEGRE DRINKER BIDDLE & REATH**
5 **LLP**

6 Matthew J. Adler (SBN 273147)
matthew.adler@faegredrinker.com

7 Four Embarcadero Center
8 San Francisco, California 94111
9 Telephone: (415) 591-7500
Facsimile: (415) 591-7510

10 **CRAVATH, SWAINE & MOORE LLP**

11 Gary A. Bornstein (*pro hac vice*)
12 gbornstein@cravath.com
Yonatan Even (*pro hac vice*)
13 yeven@cravath.com
Lauren A. Moskowitz (*pro hac vice*)
14 lmoskowitz@cravath.com
Michael J. Zaken (*pro hac vice*)
15 mzaken@cravath.com
M. Brent Byars (*pro hac vice*)
16 mbyars@cravath.com

17 375 Ninth Avenue
18 New York, New York 10001
Telephone: (212) 474-1000
19 Facsimile: (212) 474-3700

20 *Attorneys for Plaintiff and Counter-defendant*
21 *Epic Games, Inc.*