

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 30 2026

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

EPIC GAMES, INC.,

Plaintiff-ctr-defendant -

Appellee,

v.

APPLE INC.,

Defendant-ctr-claimant -

Appellant.

No. 25-2935

D.C. No.

4:20-cv-05640-YGR

Northern District of California,

Oakland

ORDER

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

The panel unanimously votes to deny the petition for panel rehearing. Judge M. Smith votes to deny the petition for rehearing en banc, and Judge S.R. Thomas and Judge McShane so recommend. The full court has been advised of the petition for rehearing en banc, and no judge of the court has requested a vote on it. Fed. R. App. P. 40. The petition for panel rehearing and the petition for rehearing en banc are **DENIED**.

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