

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUN 4 2025

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.\*

Apple’s Emergency Motion Under Circuit Rule 27-3 for a Partial Stay

Pending Appeal (Dkt. 7) is **DENIED**. In deciding whether to impose a stay, we

consider: “(1) whether the stay applicant has made a strong showing that he is

likely to succeed on the merits; (2) whether the applicant will be irreparably

injured absent a stay; (3) whether issuance of the stay will substantially injure the

other parties interested in the proceeding; and (4) where the public interest lies.”

*Nken v. Holder*, 556 U.S. 418, 426 (2009) (quoting *Hilton v. Braunskill*, 481 U.S.

770, 776 (1987)). Apple “bears the burden of showing that the circumstances

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

justify an exercise of [our] discretion.” *Id.* at 433–34. After reviewing the relevant factors, we are not persuaded that a stay is appropriate.

The outstanding motions for leave to file an amicus brief (Dkts. 11, 17, 19, 27, 28, 29, and 30) are all **GRANTED**.