

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,
et al.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 2:24-cv-04055

Hon. Julien X. Neals, U.S.D.J.
Hon. Leda D. Wettre, U.S.M.J.

Return Date: October 21, 2024

Oral argument requested

Document filed electronically

**APPLE INC.'S NOTICE OF
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT**

TO: All Counsel

COUNSEL:

PLEASE TAKE NOTICE that Defendant Apple Inc. (“Apple”), by and through its undersigned counsel, shall move before the Honorable Julien X. Neals, U.S.D.J. at a date and time to be determined by the Court, at the Martin Luther King Building & United States Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing Plaintiffs’ First Amended Complaint in this action with prejudice.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Apple will rely on its Memorandum in Support of Apple Inc.’s Motion to Dismiss, any

additional replies or submissions made hereafter, and all pleadings and proceedings on file.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that Apple hereby requests oral argument.

PLEASE TAKE FURTHER NOTICE that a Certification attesting to the date and manner of service is also submitted herewith.

Dated: August 1, 2024

Respectfully submitted,

Devora W. Allon, P.C. (*pro hac vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Tel.: (212) 446-5967
Email: devora.allon@kirkland.com

Cynthia E. Richman (*pro hac vice*
pending)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
Tel.: (202) 955-8500
Email: crichman@gibsondunn.com

Daniel G. Swanson (*pro hac vice*
pending)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
Tel.: (213) 219-7000
Email: dswanson@gibsondunn.com

Julian W. Kleinbrodt (*pro hac vice*
pending)
GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Tel.: (415) 393-8200
Email: jkleinbrodt@gibsondunn.com

/s/ Liza M. Walsh

Liza M. Walsh
Douglas E. Arpert
WALSH PIZZI O'REILLY FALANGA LLP
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, NJ 07102
Tel.: (973) 757-1110
Email: LWalsh@walsh.law
DArpert@walsh.law

Craig S. Primis, P.C. (*pro hac vice*)
Matthew J. Reilly, P.C. (*pro hac vice*)
K. Winn Allen, P.C. (*pro hac vice*)
Mary Elizabeth Miller (*pro hac vice*)
Luke P. McGuire (*pro hac vice*)
KIRKLAND & ELLIS LLP
1301 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel.: (202) 389-5000
Email: craig.primis@kirkland.com
matt.reilly@kirkland.com
winn.allen@kirkland.com
mary.miller@kirkland.com
luke.mcguire@kirkland.com

Counsel for Defendant Apple Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 1, 2024, a copy of the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ Liza M. Walsh

Liza M. Walsh