

No. 17-204

IN THE
Supreme Court of the United States

IN RE APPLE IPHONE ANTITRUST LITIGATION,

APPLE INC.,
Petitioner,

V.

ROBERT PEPPER, ET AL.,
Respondents.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

**UNOPPOSED APPLICATION DIRECTED TO THE
HONORABLE CHIEF JUSTICE JOHN G. ROBERTS, JR.
FOR EXTENSION OF TIME TO FILE REPLY BRIEF ON THE MERITS**

J. SCOTT BALLENGER
LATHAM & WATKINS LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004
(202) 637-2200

DANIEL M. WALL
Counsel of Record
CHRISTOPHER S. YATES
SADIK HUSENY
AARON T. CHIU
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111
(415) 391-0600
dan.wall@lw.com

Counsel for Petitioner Apple Inc.

LIST OF PARTIES AND RULE 29.6 STATEMENT

Petitioner Apple Inc. is a nongovernmental corporate party with no parent corporation, and no publicly-held corporation owns 10% or more of its stock.

Respondents are Robert Pepper, Stephen H. Schwartz, Edward W. Hayter, and Eric Terrell, all of whom purchased an iPhone and purchased an iPhone software application during the alleged class period. Respondents purport to represent a class of similarly situated persons in the United States who purchased an iPhone software application from December 29, 2007 to the present.

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To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Pursuant to Supreme Court Rules 22 and 30.3, Petitioner Apple Inc. respectfully requests a 5-day extension of time, to and including October 29, 2018, within which to file its reply brief on the merits.

1. On June 25, 2018, the parties requested an extension of time on the briefing schedule, including extensions for all three briefs on the merits. That request asked the Court to set October 29, 2018, as the due date for Petitioner's reply brief.

2. On July 3, 2018, this Court granted the extension of time as it pertained to the principal briefs of the parties, but did not address the request as it pertained to the reply brief. Accordingly, Petitioner's reply brief is currently due on October 24, 2018.

3. The Clerk advised Petitioner that the parties' requested extension regarding the reply brief would require an application to the Court. Therefore, Petitioner hereby respectfully submits this application.

4. Petitioner's requested five-day extension of time is to accommodate its Counsel of Record, who will be arguing another appeal in the Second Circuit on October 23, 2018, the day before Petitioner's reply brief is due. That case is *Biocard JSC v. F. Hoffman La Roche, et al.*, No. 17-cv-3486 (2d Cir.). The Second Circuit set that case for oral argument by notice dated August 13, 2018, well after the parties to this action requested an extension of time.

5. Petitioner's requested five-day extension of time will not prejudice the Court or the parties, given that oral argument has been set for November 26, 2018.

6. Counsel for Respondents agreed to the October 29, 2018 date for filing of the reply brief at the time that the June 25, 2018 extension of time was requested, and has no objection to this current application.

For the above-referenced reasons, Petitioner therefore respectfully requests a 5-day extension of time for filing its reply brief on the merits, until October 29, 2018.

October 11, 2018

J. SCOTT BALLENGER
LATHAM & WATKINS LLP
555 11th Street, NW
Suite 1000
Washington, DC 20004
(202) 637-2200

Respectfully submitted,



DANIEL M. WALL
Counsel of Record
CHRISTOPHER S. YATES
SADIK HUSENY
AARON T. CHIU
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111
(415) 391-0600
dan.wall@lw.com

Counsel for Petitioner Apple Inc.