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January 14, 2026

*Re: Google LLC, et al. v. Epic Games, Inc., No. 25-521*

Dear Mr. Harris:

I write on behalf of respondent, Epic Games, Inc. (“Epic”), to request a further 30-day extension of time in which to file the brief in opposition to Google’s petition for writ of certiorari. Epic was previously granted one 30-day extension, and the opposition is currently due February 6, 2026. If extended, the opposition would be due March 9, 2026 (the first business day after the expiration of the requested 30-day extension). I have consulted with counsel for petitioner, which takes no position on the request.

The parties in this case have agreed to a settlement, contingent on the district court granting the parties’ joint motion to modify the permanent injunction that is the subject of the certiorari petition. The district court has set a hearing on the motion for January 22, 2026. Google has indicated that, if the district court grants the joint motion to modify the injunction, it will withdraw its petition in this Court.

Given this posture, in December, Google moved the Court to hold this case in abeyance pending the district court’s disposition of the pending motion to modify. Epic did not oppose Google’s motion to hold in abeyance and, in its response, Epic requested that the Court also hold in abeyance its request for a response to the petition. The Court has not yet ruled on the motion to hold in abeyance.

Accordingly, Epic respectfully suggests that a further extension is warranted. While it is possible that the district court will grant the joint motion to modify the injunction before Epic’s current due date for responding to the petition (and that Google would then withdraw its petition), the current schedule would require Epic to expend significant additional resources preparing an opposition that it may never need to file. Moreover, it is possible that the district court will not grant the motion before the existing due date but could do so before an extended deadline, thereby avoiding the need for Epic to file a brief in opposition or for the Court to begin considering it.

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A further extension will not prejudice Google, which has already requested that the Court hold the petition in abeyance until the district court rules on the pending motion to modify the injunction.

Respectfully submitted,

*/s/ Gary A. Bornstein*

Gary A. Bornstein  
*Counsel of Record for Respondent*

Honorable Scott S. Harris  
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Supreme Court of the United States  
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VIA E-FILING

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