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11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14
15 1LSS INC.,

16 Plaintiff,

17 v.

18 APPLE INC.,

19 Defendant.

Case No. 2:24-cv-08769 SRM-JPR
Hon. Serena R. Murillo

**DEFENDANT APPLE INC.'S
NOTICE OF MOTION AND
MOTION TO STAY PENDING IPR**

Date: September 24, 2025
Time: 1:30pm
Ctm: 5D

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE THAT NOTICE THAT, on September 24, 2025, at 1:30 p.m., or as
3 soon thereafter as this matter may be heard before the Honorable Serena R. Murillo,
4 in Courtroom 5D of the United States District Court for the Central District of
5 California, located at 350 W. First Street, Los Angeles, CA 90012, Defendant Apple
6 Inc. ("Apple") will and hereby does move this Court for an order staying the above-
7 captioned action ("Action") pending final resolution of the petition for *inter partes*
8 review that Apple filed before the Patent Trial and Appeal Board challenging the
9 validity of all claims of the patent asserted against Apple in this Action.

10 As fully set forth in the attached Memorandum of Points and Authorities, this
11 Motion is made on the grounds that a stay will promote the interests of judicial
12 efficiency and economy and preserve the resources of this Court and the parties.

13 This Motion is based upon this Notice of Motion and Motion, the attached
14 Memorandum of Points and Authorities, the Declaration of Anna G. Phillips filed in
15 support, the pleadings on file with the Court, and such arguments and authorities as
16 may be presented at or before the hearing.

17 This Motion is made following a conference of counsel pursuant to Local Rule
18 7-3, which took place on July 31, 2025, where the parties discussed the substance and
19 potential resolution of the filed Motion by videoconference.

20 Dated: August 19, 2025

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15 1LSS INC.,
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18 APPLE INC.,
19 Defendant.

Case No. 2:24-cv-08769 SRM-JPR
Hon. Serena R. Murillo

**DEFENDANT APPLE INC.'S
MEMORANDUM OF
POINTS AND AUTHORITIES
IN SUPPORT OF ITS MOTION
TO STAY PENDING IPR**

Date: September 24, 2025
Time: 1:30 pm
Ctrm: 9A

[*Notice of Motion and (Proposed)
Order filed concurrently herewith*]

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1 **I. INTRODUCTION**

2 Apple respectfully requests a stay of this litigation pending resolution of
3 Apple's petitions for *inter partes* review (IPR) pending before the Patent Trial and
4 Appeal Board (PTAB) and, if instituted, a stay until the PTAB renders a Final Written
5 Decision.

6 Apple's request for a stay finds support in the "liberal policy in favor of
7 granting motions to stay," *Munchkin, Inc. v. Luv N' Care, Ltd.*, No. CV 13-06787
8 JEM, 2015 WL 13792195, at *1 (C.D. Cal. Oct. 30, 2015), and all three factors
9 considered by courts to stay litigation heavily favor granting a stay here.

10 *First*, this litigation is in its infancy: no scheduling order has been entered, no
11 documents have been produced by either party, contentions have not been exchanged,
12 claim construction briefing has not begun, and no trial date has been set. *Second*, a
13 stay will simplify the issues in this case. The IPR proceedings will streamline the
14 issues for trial and offer the significant potential of resolving the action altogether.
15 *Third*, a stay will not result in undue prejudice or a tactical disadvantage to 1LSS.
16 1LSS can be adequately compensated by monetary damages for any alleged
17 infringement occurring during the stay. Moreover, Apple moves to stay the litigation
18 early in the case, before a schedule is in place, and promptly after Apple filed its IPR
19 petition.

20 Absent a stay, however, Apple, 1LSS, and this Court would need to invest time
21 and resources that can be avoided—and may be completely unnecessary to the
22 resolution of this case—should the PTAB find the patent's claims invalid. Apple
23 therefore respectfully requests a stay pending resolution of the IPR in an effort to
24 prevent the parties from expending duplicative resources in the district court case and
25 to promote judicial economy.

1 **II. BACKGROUND**

2 On October 11, 2024, 1LSS filed a complaint alleging that Apple’s MagSafe
3 Wallet infringes the ’641 patent. Dkt. 1, ¶¶ 9, 17, 23. On December 20, 2024, Apple
4 filed a motion to dismiss 1LSS’s Complaint. Dkt. 29. In response, 1LSS amended its
5 Complaint on January 10, 2025, and limited its allegations to only direct and induced
6 infringement of the ’641 patent, which “pertains to a wallet for attachment to a mobile
7 device” using an “arrangement of magnets.” Dkt. 30, ¶¶ 9, 12, 21.

8 After the case was reassigned to this Court on January 27, 2025, Dkts. 35 &
9 36, the Court set a new Scheduling Conference for August 21, 2025. Dkts. 38 & 41.
10 On August 11, 2025, the Court vacated the Scheduling Conference, stating an order
11 setting deadlines and dates for this case will be forthcoming. Dkt. 44.

12 As of the filing of this motion, no schedule currently governs this case. To date,
13 though the parties have exchanged initial disclosures and served written discovery,
14 no party has produced any documents, nor has any party taken, scheduled, or
15 requested a deposition. Dkt. 43 at 8 (Rule 26(f) Report). 1LSS has not served its
16 initial infringement contentions, and Apple has not served its initial invalidity
17 contentions. *See* Dkt. 43-1.

18 On July 24, 2025, Apple filed an IPR Petition challenging all claims of the
19 ’641 patent. Phillips Decl. ¶ 2, Ex. 1 (IPR petition). The PTAB issued a Notice of
20 Filing Date Accorded on August 7, 2025. *Id.*, ¶ 3, Ex. 2 (Notice of Filing Date
21 Accorded to Petition). A decision from the PTAB on whether to institute Apple’s IPR
22 petition is expected between December 7, 2025 and February 7, 2026. If instituted, a
23 Final Written Decision is expected February 7, 2027.

24 **III. LEGAL STANDARDS**

25 District courts have broad discretion to stay cases in the interests of judicial
26 economy and to ensure the orderly and efficient management of litigation. *See*
27 *Clinton v. Jones*, 520 U.S. 681, 706 (1997); *see also Landis v. N. Am. Co.*, 299 U.S.

1 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent
2 in every court to control the disposition of the causes on its docket with economy of
3 time and effort for itself, for counsel, and for litigants.”); *Document Sec. Sys., Inc. v.*
4 *Nichia Corp.*, No. 2:17-cv-08849-JVS-JEM, 2018 WL 10668060, at *2 (C.D. Cal.
5 July 23, 2018) (same).¹

6 When deciding whether to stay litigation pending IPR, courts in the Ninth
7 Circuit consider: “(1) whether discovery is complete and whether a trial date has been
8 set; (2) whether a stay will simplify the issues in question and trial of the case; and
9 (3) whether a stay would unduly prejudice or present a clear tactical disadvantage to
10 the non-moving party.” *Wonderland Nursery Goods Co. v. Baby Trend, Inc.*, No.
11 EDCV 14-01153-VAP (SPx), 2015 WL 1809309, at *2 (C.D. Cal. Apr. 20, 2015)
12 (citing *Universal Elecs., Inc. v. Universal Remote Control, Inc.*, 943 F. Supp. 2d
13 1028, 1030-31 (C.D. Cal. 2013). The inquiry, however, is not limited to these factors
14 and “the totality of the circumstances governs.” *Id.*

15 Here, the balance of these factors—and the totality of the circumstances—
16 favors a stay pending resolution of Apple’s IPR.

17 **IV. ARGUMENT**

18 **A. The Early Stage of the Litigation Heavily Favors A Stay**

19 The very early stage of this case favors a stay. There is “a liberal policy in
20 favor of granting motions to stay proceedings pending the outcome of [PTAB
21 proceedings], especially in cases that are still in the initial stages of litigation and
22 where there has been little or no discovery.” *Aten Int’l Co. v. Emine Tech. Co.*, No.
23 SACV 09-0843, 2010 WL 1462110, at *6 (C.D. Cal. Apr. 12, 2010); *see also*
24 *Wonderland*, 2015 WL 1809309, at *3 (citing *Universal Elecs.*, 943 F. Supp. 2d at
25 1031). This is one of those cases.

26
27
28 ¹ Internal quotations and citations omitted unless otherwise indicated.

1 This litigation is in its earliest stages, as a Scheduling Conference has yet to
2 take place and the Court has yet to set dates for discovery deadlines, the claim-
3 construction hearing, or trial. Neither party has produced any documents or requested
4 or taken any depositions. *See* Dkt. 43 at 8. Infringement and invalidity contentions
5 have not been served, and the claim-construction phase of the case is likely to be
6 months away. *Id.* Courts in this district routinely issue stays where, as here, a case is
7 still in early stages. *See Laser Spallation Techs., LLC v. Boeing Co.*, No. CV 23-
8 02294-AB (SKx), 2024 WL 3915091, at *2-3 (C.D. Cal. May 22, 2024) (finding case
9 was in early stages when neither party has served infringement or invalidity
10 contentions and no claim-construction hearing has taken place, which weighed
11 “significantly in favor of granting a stay”); *see also Pi-Net Int’l, Inc. v. Hertz Corp.*,
12 No. CV 12-10012 PSG (JEMx), 2013 WL 7158011, at *2 (C.D. Cal. June 5, 2013)
13 (finding the stage of the litigation factor favored a stay where the parties had
14 exchanged infringement contentions, served discovery requests, and produced a
15 repository of documents); *Locata LBS, LLC v. Yellowpages.com, LLC*, No. LA
16 CV13-07664 JAK, 2014 WL 8103949, at *2-3 (C.D. Cal. July 11, 2014) (finding
17 case was in early stages where neither party had requested nor taken any depositions
18 and expert discovery had not yet commenced).

19 Stays are particularly warranted when, as here, “there is more work ahead of
20 the parties and the Court than behind.” *Polaris PowerLED Techs., LLC v. LG Elecs.,*
21 *Inc.*, No. Sacv 20-00125JVS (DFMx), 2020 WL 6064964, at *2 (C.D. Cal. Aug. 26,
22 2020); *see also Polaris PowerLed Techs., LLC v. Western Digital Corp.*, No. 2:24-
23 cv-02864-ODW (MARx), 2025 WL 1853394, at *2 (C.D. Cal. June 23, 2025)
24 (granting stay prior to IPR institution because case was in early stages). There is far
25 more work ahead of the Court and the parties than behind—neither the Court nor the
26 parties have “invested substantial time and effort in [the] case.” *C.R. Laurence Co. v.*
27 *Frameless Hardware Co.*, No. 2:21-cv-01334-JWH-RAOx, 2022 WL 2035952, at *6

1 (C.D. Cal. Feb. 14, 2022). A stay here would conserve the Court’s and the parties’
2 resources and avoid unnecessary litigation costs while the IPR proceedings progress.
3 Accordingly, this factor heavily favors granting a stay.

4 **B. A Stay Will Simplify the Issues**

5 Apple’s IPR petition will simplify the case for the Court, the parties, and the
6 jury because it challenges the validity of all claims of the ’641 patent. Courts favor a
7 stay when the outcome of the PTAB proceeding “would be likely to assist the court
8 in determining patent validity and, if the claims were canceled in the [proceeding],
9 would eliminate the need to try the infringement issue.” *PersonalWeb Techs., LLC v.*
10 *Apple Inc.*, 69 F. Supp. 3d 1022, 1027 (N.D. Cal. 2014). If the PTAB cancels or
11 narrows even a portion of the ’641 patent’s claims, the “scope of this litigation may
12 be significantly reduced”—the number of claims that may be asserted for
13 infringement will necessarily be narrowed. *See Core Optical Techs., LLC v. Fujitsu*
14 *Network Commc’ns, Inc.*, No. SACV 16-00437-AG-JPRx, 2016 WL 7507760, at *2
15 (C.D. Cal. Sept. 12, 2016). And if Apple’s IPR petition is successful against all
16 challenged claims, it will dispose of the entire litigation. *See id.* (“If the PTAB cancels
17 all of the asserted claims, this action will be rendered moot.”).

18 Even if the PTAB does not invalidate the claims of the ’641 patent, the issues
19 in this case will nevertheless be streamlined. First, this Court stands to benefit from
20 the PTAB’s expert analysis of the ’641 patent and the prior art. *Versata Software,*
21 *Inc. v. Configit A/S*, No. LA CV 20-09019 JAK (MRWx), 2022 WL 3598158, at *3
22 (C.D. Cal. Apr. 27, 2022) (“Even if the PTAB does not invalidate any claims, the
23 prosecution history developed before the PTAB could help inform, and potentially
24 narrow, the issues presented here.”). And 1LSS’s statements in the IPR proceeding
25 may further develop the prosecution history of the ’641 patent, thereby informing
26 issues such as claim construction. *See Realtime Data LLC v. Teradata Operations,*
27 *Inc.*, No. SACV 16-02743 AG (FFMx), 2017 WL 3453295, at *2 (C.D. Cal. Feb. 27,

1 2017) (stating a stay could lead to “a richer prosecution history upon which to base
2 necessary claim construction determinations”).

3 Second, should the PTAB issue a Final Written Decision, IPR estoppel will
4 apply to Apple’s invalidity arguments, thereby narrowing Apple’s invalidity
5 positions. *See Star Envirotech, Inc. v. Redline Detection, LLC*, No. SACV 12-01861
6 JGB (MLGx), 2013 WL 1716068, at *2 (C.D. Cal. Apr. 3, 2013) (finding
7 simplification of the issues where “[d]efendants would be barred from seeking this
8 Court’s review on any grounds it could have raised in the IPR”). These estoppel
9 protections carry particular weight here. Apple’s IPR petition challenges every
10 claim of the ’641 patent, creating substantial overlap between the issues to be
11 addressed by the PTAB and this Court. Should estoppel apply, it “could save time
12 and resources in these proceedings, including the need for less discovery, fewer
13 claim construction disputes, and more narrow pre-trial motions.” *Versata*, 2022 WL
14 3598158, at *3.

15 That the PTAB has not yet made a decision on institution (or discretionary
16 denial) does not undermine the principles of judicial efficiency that favor a stay here.
17 Courts in this district have “adopted the majority position that even if the IPR has not
18 yet been instituted, the simplification factor may still weigh in favor of a stay.”
19 *Purecircle USA Inc. v. SweeGen, Inc.*, No. SACV 18-1679 JVS (JDEx), 2019 WL
20 3220021, at *3 (C.D. Cal. June 3, 2019); *see also Document Sec. Sys., Inc. v. Seoul*
21 *Semiconductor Co.*, No. SACV 19-01792 JVS (DFM), 2020 WL 11421528, at *2
22 (C.D. Cal. July 2, 2020) (finding that when the PTAB has yet to make a decision on
23 institution, although “simplification of the issues may be speculative, the potential to
24 save significant judicial resources favors a stay”). Indeed, courts in this district have
25 found that “even if IPR is not instituted, the simplification factor may still weigh in
26 favor of a stay ... particularly where, as here, a defendant is actively involved in the
27 IPR process with respect to all of the asserted claims, simplification is likely.”

1 *Document Sec. Sys.*, 2018 WL 10668060, at *3; *see Weserve Drone, LLC v. SZ DJI*
2 *Tech. Co.*, No. CV 19-04382-AB (AFMx), 2020 WL 4373365, at *3 (C.D. Cal. Mar.
3 17, 2020) (factor weighed in favor of stay pre-institution because the “IPR Petition
4 has the potential to fully resolve—if not significantly simplify—Plaintiff’s patent
5 infringement claims”).

6 On the other hand, the risk of delay attending a stay is minimal relative to the
7 simplification benefits that can be provided by the IPR process. *See Wonderland*,
8 2015 WL 1809309, at *3 (finding that this factor favored a stay, stating that even “if
9 an IPR is not instituted, the stay will be relatively short and the action can continue
10 with minimal delay.”).

11 Accordingly, this factor favors a stay.

12 **C. A Stay Will Not Unduly Prejudice 1LSS**

13 1LSS will suffer no discernible prejudice or tactical disadvantage if a stay is
14 granted. *See Laser Spallation*, 2024 WL 3915091, at *4 (“Courts have repeatedly
15 found no undue prejudice unless the patentee makes a *specific* showing of prejudice
16 beyond the delay necessary inherent in any stay”) (emphasis in original). “In
17 weighing the prejudice to the non-moving party, courts consider four sub-factors:
18 (1) the timing of the petition for review; (2) the timing of the request for the stay; (3)
19 the status of review proceedings; and (4) the relationship of the parties.” *TeleSign*
20 *Corp. v. Twilio, Inc.*, No. CV 15-3240 PSG (SSx), 2016 WL 6821111, at *4 (C.D.
21 Cal. Mar. 9, 2016). Each of these sub-factors favor a stay.

22 *First*, the timing of the petition for review is not unduly prejudicial. Apple
23 acted diligently in filing its IPR petition on July 24, 2025, well before the expiration
24 of the one-year statutory right to do so. *See* 35 U.S.C. § 315(b). Courts routinely
25 decline to infer dilatory motive where a defendant timely exercises its statutory right
26 to pursue an IPR. *See Weserve Drone*, 2020 WL 4373365, at *4 (finding no undue
27 prejudice when defendant filed its IPR more than eight months after the case was
28

1 filed, “not[ing] that Congress allows a 12-month window for a Defendant to submit
2 an IPR Petition after Defendant has been served with the Complaint”); Phillips Decl.
3 ¶ 4, Ex. 3, Order, *Longitude Licensing Limited v. Amazon.com, Inc.*, Civ. No. 8:23-
4 cv-00039, Dkt. 80 at 7 (C.D. Cal. Feb. 26, 2024) (finding that defendant “acted
5 promptly” when it filed its IPR petition within six months); *see also Oyster Optics,*
6 *LLC v. Ciena Corp.*, No. 4:20-cv-02354-JSW, 2021 WL 4027370, at *3 n.1 (N.D.
7 Cal. Apr. 22, 2021) (noting the ten months “to draft the petition does not appear to
8 be unusual in light of the one-year filing deadline”).

9 *Second*, the timing of Apple’s request for stay is not unduly prejudicial. Apple
10 promptly moved to stay within weeks of filing its IPR petition and before the August
11 21, 2025 Scheduling Conference. Courts in this district have found a defendant acted
12 promptly when following a similar timeframe. *See Polaris PowerLED Techs*, 2020
13 WL 6064964, at *3 (finding no undue prejudice where “[defendant] acted diligently
14 in filing the IPR and has moved to stay the case shortly after filing its IPR petition”).
15 The first two sub-factors thus weigh against any prejudice.

16 *Third*, the status of the review proceedings does not pose any undue prejudice.
17 The decision regarding institution of Apple’s IPR petition is expected between
18 December 7, 2025 and February 7, 2026. *See* Ex. 2; 35 U.S.C. § 314(b). Thus, the
19 case would be stayed for four to six months while the PTAB considers whether to
20 institute Apple’s IPR petition. 1LSS does not currently seek a preliminary injunction,
21 and there are no special circumstances indicating any urgency in this matter, which
22 refutes any claims of undue prejudice.

23 And, if Apple’s IPR petition is instituted, staying the action through a final
24 written decision—expected by February 7, 2027—does not, without more, constitute
25 undue prejudice to 1LSS. *See Wonderland*, 2015 WL 1809309, at *4 (“Protracted
26 delay is always a risk inherent in granting a stay, yet courts continue to stay actions
27 pending reexamination. The general prejudice of having to wait for resolution is not
28

1 a persuasive reason to deny the motion for stay.”); *Purecircle*, 2019 WL 3220021, at
2 *3 (“The mere possibility of delay, inherent in all proceedings, is insufficient to
3 constitute undue prejudice.”).

4 *Finally*, that Apple and 1LSS each sell magnetic wallets does not alone indicate
5 any prejudice to 1LSS. The circumstances of the case must be examined to
6 “determine if monetary damages are sufficient to compensate for harm incurred
7 during a potential stay,” including whether there are other participants in the relevant
8 markets. *Wonderland*, 2015 WL 1809309 at *4. Here, in addition to designing,
9 manufacturing and marketing smartphones, personal computers, tablets, wearables
10 and accessories, Apple also publicly provides Accessory Design Guidelines for
11 Apple Devices,² including MagSafe accessories, to enable third-parties to make
12 accessories compatible with Apple devices like the iPhone. As a result, a number of
13 companies, including 1LSS, make and sell magnetic wallets that are touted as
14 “MagSafe Compatible,” including Pelican, PopSockets, Case-Mate, Nomad,
15 Smartish, Casetify, Moft, Otterbox, Casely, UAG, PeakDesign, and ESR. Phillips
16 Decl. ¶¶ 5-6, Exs. 4 & 5 (Wired Magazine and Travel + Leisure); “Magsafe Wallets
17 Comparison with my Magbak Magsafe Leather Wallet,”
18 <https://www.youtube.com/watch?v=LODk3yWNQyA> (June 14, 2024) (last visited
19 Aug. 7, 2025) (comparing 1LSS’s MagBak wallet to PopSocket, Apple, and
20 PeakDesign wallets).

21 Considering the number of non-party companies offering magnetic wallets,
22 including those that are MagSafe Compatible, 1LSS’s market position will not be
23 unduly harmed by a stay of this case. *See Wonderland*, 2015 WL 1809309, at *4
24 (finding that “evidence of at least 11 other competitors in the marketplace ...

26 ² “Accessory Design Guidelines for Apple Devices,” Apple, available at
27 <https://developer.apple.com/accessories/Accessory-Design-Guidelines.pdf> (last
28 visited Aug. 14, 2025).

undermines the weight that should be afforded Plaintiff's contentions of undue harm"); *Inogen, Inc. v. Inova Labs, Inc.*, No. SACV 11-1692-JST (ANx), 2012 WL 4748803, at *3 (C.D. Cal. Mar. 20, 2012) (finding undue prejudice unlikely where evidence of a market included at least 10 participants, "diluting the direct effect of [the defendant's] sales on [the plaintiff's] market share"); *Omnitracs, LLC v. Platform Sci., Inc.*, No. 20 Civ. 958, 2021 WL 857005, at *5 (S.D. Cal. Mar. 8, 2021) (stating where parties "share the market with multiple players, undue prejudice as a result of the stay is less likely."). That 1LSS has not sought a preliminary injunction likewise indicates that money damages are adequate. *See Autoalert, Inc. v. Dominion Dealer Sols., LLC*, No. SACV 12-1661-JST (JPRx), 2013 WL 8014977, at *3 (C.D. Cal. May 22, 2013) (finding that "Plaintiff's failure to file for a preliminary injunction in the seven months since it filed its Complaint further suggests that monetary damages will adequately compensate Plaintiff should Defendants be found liable for patent infringement"); *Inogen*, 2012 WL 4748803, at *3 (noting that when a plaintiff did not request a preliminary injunction, it "suggest[ed] that monetary damages will adequately compensate [plaintiff] should [defendant] be found liable for patent infringement"); *UPL NA, Inc. v. Tide Int'l (USA), Inc.*, No. CV 19-1201-RSWL-KSx, 2021 WL 663128, at *4 (C.D. Cal. Feb. 19, 2021) ("Plaintiff's failure to seek a preliminary injunction belies its claims of undue prejudice in the marketplace."). Because 1LSS can be adequately compensated by monetary damages for any potential harm incurred during a stay, this factor weighs against any prejudice to 1LSS.

In sum, all four sub-factors demonstrate that 1LSS will not suffer any discernible undue prejudice or tactical disadvantage if a stay is granted.

D. The Totality of the Circumstances Warrant a Stay

Overall, the benefits stemming from a stay outweigh the small potential of any inconveniences. This case is in its very early stages and no schedule currently governs

1 this case. Thus, a stay would prevent the parties and the Court from unnecessarily
2 expending time and resources to litigate the invalidity of the '641 patent in two
3 forums. Moreover, judicial economies will result from resolution of the IPR, as the
4 PTAB's decision will simplify and narrow the issues for trial, e.g., if the PTAB
5 determines all claims of the '641 patent are invalid, the litigation need not proceed.
6 Any simplification of the issues to be tried cannot unduly prejudice the parties. *See*,
7 *e.g.*, *Munchkin*, 2015 WL 13792195, at *2 ("If the IPR results in cancelling all the
8 claims of the [asserted patent], there obviously will be no prejudice to [patent
9 owner]."). Accordingly, the totality of the circumstances heavily favor a stay.

10 **V. CONCLUSION**

11 Given the liberal policy favoring stays pending IPRs, and because all factors
12 favor a stay, Apple respectfully requests that the Court stay this case pending the
13 outcome of the IPR for the '641 patent and all appeals are exhausted.

14
15 Dated: August 19, 2025

Respectfully submitted,

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Certification Per Local Rule 11-6.2

The undersigned counsel of record for Defendant Apple, Inc. certifies that this brief contains 3,424 words, as calculated by the limitations in L.R. 11-6.1.

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