



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1236/2020

EPIC GAMES, INC and another named in the schedule
Applicant

APPLE INC and another named in the schedule
Respondent

ORDER

JUDGE: JUSTICE PERRAM

DATE OF ORDER: 9 April 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The proceedings be temporarily stayed for a period of 3 months from the date of these orders.
2. If at the end of the period referred to in Order 1, the First Applicant has not commenced a suit in a court in the Northern District of California alleging contraventions of Part IV of the *Competition and Consumer Act 2010* (Cth) ('CCA') and/or s 21 of the *Australian Consumer Law*, being Sch 2 to the CCA, the proceedings be permanently stayed.
3. If the First Applicant commences a suit of the kind referred to in Order 2 within the period referred to in Order 1, the stay of these proceedings be continued but with liberty to apply in the event that a court in the Northern District of California declines to determine the allegations referred to in Order 2.
4. The Applicants pay 95% of the Respondents' costs of the Interlocutory Application filed 22 December 2020 as taxed, assessed or otherwise agreed.
5. The costs of these proceedings otherwise be reserved with liberty to the Respondents to apply.
6. The Applicants be granted leave to appeal.



Date that entry is stamped: 9 April 2021

Sia Lagos
Registrar



Schedule

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Second Applicant EPIC GAMES INTERNATIONAL S.A R.L.

Second Respondent APPLE PTY LIMITED ACN 002 510 054