

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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|---------------------------------|---|---------------------------|
|                                 | ) | Case No.: 11-MD-02250-LHK |
|                                 | ) |                           |
| IN RE IPHONE APPLICATION LITIG. | ) | ORDER VACATING HEARING    |
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On July 27, 2012, Apple Inc. filed a Motion to Dismiss (1) Plaintiffs Gupta, Freeman, M. Burke, and W. Burke, and (2) Claims of Putative Geolocation Class from Plaintiffs’ Second Amended Consolidated Complaint. ECF. No. 76. On August 8, 2012, the Court entered a Minute and Case Management Order modifying the case schedule, which provided that both Plaintiffs’ Opposition to the Motion to Dismiss and the deadline to amend the SACC were to be filed on or before October 4, 2012. ECF. No. 88.

On October 4, 2012, the parties submitted to the Court a Stipulation and Proposed Order Re: Briefing Schedule for Plaintiffs’ Opposition to Apple Inc.’s Motion to Dismiss and Apple’s Response to Plaintiffs’ Third Amended Consolidated Complaint (“TACC”). ECF No. 103. Specifically, the parties stipulated that Plaintiffs’ Opposition to Apple’s Motion to Dismiss would be due on October 10, 2012, that Apple’s Reply would be due on October 25, 2012, and that the hearing date would remain on November 15, 2012, at 1:30 p.m. The parties also stipulated that Apple’s response to Plaintiffs’ TACC would be due on November 2, 2012, if Apple withdrew its

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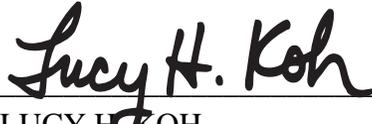
Motion to Dismiss. If Apple did not withdraw its Motion to Dismiss, the parties stipulated that Apple's response would be due 15 days after the Court ruled on the Motion to Dismiss.

Plaintiffs filed a Third Amended Consolidated Class Action Complaint on October 4, 2012. ECF. No. 104. On October 10, 2012, Apple filed its Notice of Withdrawal of Defendant Apple Inc.'s Motion to Dismiss (1) Plaintiffs Gupta, Freeman, M. Burke, and W. Burke, and (2) Claims of Putative Geolocation Class from Plaintiffs' Second Amended Consolidated Complaint.

Accordingly, the November 15, 2012, hearing and case management conference are hereby VACATED. Apple's response to Plaintiffs' TACC is due on November 2, 2012.

**IT IS SO ORDERED.**

Dated: October 11, 2012

  
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LUCY H. KOH  
United States District Judge