CA Nos. 08-16745, 08-16873, 09-15021 (consolidated) DC No. C 07-01389 JWW

## UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

THE FACEBOOK, INC.; MARK ZUCKERBERG, Plaintiffs-Appellees,

DIVYA NARENDRA; CAMERON WINKLEVOSS; TYLER WINKLEVOSS,

Intervenors,

v.

PACIFIC NORTHWEST SOFTWARE, INC.; WAYNE CHANG; WINSTON WILLIAMS,

Defendants.

Appeal From Judgment Of The United States District Court For The Northern District Of California (Hon. James Ware, Presiding)

> NOTICE THAT APPELLANTS DO NOT INTEND TO SEEK FURTHER APPELLATE REVIEW

> > JEROME B. FALK, JR.
> > SEAN M. SELEGUE
> > SHAUDY DANAYE-ELMI
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Attorneys for Appellants and Intervenors Cameron Winklevoss, Tyler Winklevoss and Divya Narendra Appellants and Intervenors Cameron Winklevoss, Tyler Winklevoss and Divya Narendra hereby provide notice that after careful consideration, they have determined that they will not file a petition for a writ of certiorari in the United States Supreme Court in the above entitled case. Given this, and given that this Court's decision to stay issuance of the mandate in the above-captioned case was premised upon the possibility of further appellate review, Appellants no longer oppose issuance of the mandate, and have no objection to vacatur of the stay of issuance of mandate.

DATED: June 22, 2011.

Respectfully,

JEROME B. FALK, JR.
SEAN M. SELEGUE
SHAUDY DANAYE-ELMI
NOAH S. ROSENTHAL
HOWARD RICE NEMEROVSKI CANADY
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By /s/ Jerome B. Falk, Jr.
JEROME B. FALK, JR.

Attorneys for Appellants and Intervenors Cameron Winklevoss, Tyler Winklevoss and Divya Narendra

## PROOF OF SERVICE

I hereby certify that I electronically filed the foregoing NOTICE THAT APPELLANTS DO NOT INTEND TO SEEK FURTHER APPELLATE REVIEW with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 22, 2011.

Participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. On June 22, 2011, the foregoing document, described as NOTICE THAT APPELLANTS DO NOT INTEND TO SEEK FURTHER APPELLATE REVIEW, was mailed by placing the document for deposit in the United States Postal Service through the regular mail collection process at the law offices of Howard Rice Nemerovski Canady Falk & Rabkin, located at Three Embarcadero Center, Seventh Floor, San Francisco, California, to the following non-CM/ECF participants:

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/s/ Jerome B. Falk, Jr.
JEROME B. FALK, JR.