

USCA DOCKET # (IF KNOWN)  
 Appeal Case Nos. ~~08-16745,~~  
~~08-16849 and 08-16873,~~ which have  
 been consolidated.  
 09-15021



**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
 CIVIL APPEALS DOCKETING STATEMENT**

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

<b>TITLE IN FULL:</b>  THE FACEBOOK, INC. and Mark ZUCKERBERG,  Plaintiffs,  vs.  CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG,  Defendants.	DISTRICT: Northern District of California JUDGE: Honorable James Ware	
	DISTRICT COURT NUMBER: 5:07-cv-01389 JW	
	DATE NOTICE OF APPEAL FILED: 12/19/08	IS THIS A CROSS-APPEAL? <input type="checkbox"/> YES
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY): There is a pending, consolidated appeal before this Court (Appeal Case Nos. 08-16745, 08-16849, 08-16873).	
<b>BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:</b> District Court granted judgment enforcing a purported Settlement Agreement. Appellants dispute the enforceability of that purported Agreement.		
<b>PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:</b> 1) Whether the District Court erred in summarily enforcing a purported Settlement Agreement without holding an evidentiary hearing notwithstanding disputed issues of fact as to whether the parties agreed to all material terms.  2) Whether the District Court erred in refusing to void a purported Settlement Agreement under Section 29(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78cc(b), because it was procured through securities fraud.  Appellants reserve the right to appeal additional issues, including but not limited to evidentiary rulings and whether the District Court had jurisdiction to enter its rulings from November and December, 2008.		
<b>PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POSTJUDGMENT MOTIONS):</b> There is a pending, consolidated appeal before this Court (Appeal Case Nos. 08-16745, 08-16849, 08-16873).		
<b>DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:</b> <input checked="" type="checkbox"/> Possibility of settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program  Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges <input type="checkbox"/>		
<b>LOWER COURT INFORMATION</b>		

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION <input checked="" type="checkbox"/> DIVERSITY <input type="checkbox"/> OTHER (SPECIFY):	<input checked="" type="checkbox"/> FINAL DECISION OF DISTRICT COURT <input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE <input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input checked="" type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY): Order of dismissal according to purported settlement agreement.	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____ <input checked="" type="checkbox"/> INJUNCTIONS: <input type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> PERMANENT <input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ _____

### CERTIFICATION OF COUNSEL

**I CERTIFY THAT:**

- COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
- A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
- A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
- I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

Evan A. Parke /KPP  
Signature

12/19/08  
Date

### COUNSEL WHO COMPLETED THIS FORM

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**\*THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL\*  
 \*IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS\***