

FILED

UNITED STATES COURT OF APPEALS

DEC 11 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

<p>THE FACEBOOK, INC.; et al.,</p> <p style="padding-left: 40px;">Plaintiffs - Appellees - Cross-Appellants,</p> <p style="text-align: center;">v.</p> <p>CONNECTU, INC., f.k.a. ConnectU, LLC,</p> <p style="padding-left: 40px;">Defendant - Appellant - Cross-Appellees,</p> <p>and</p> <p>CAMERON WINKLEVOSS; et al.,</p> <p style="padding-left: 40px;">Defendants - Appellants - Cross-Appellees.</p>

Nos. 08-16745, 08-16849, 08-16873, 09-15021, 09-15133

D.C. No. 5:07-cv-01389-JW
Northern District of California,
San Jose

ORDER

Before: GOODWIN, RYMER and CLIFTON, Circuit Judges.

The motion of Appellants and Cross-Appellees Cameron Winklevoss, Tyler Winklevoss and Divya Narendra (“the Founders”) to consolidate these appeals is granted. Previously consolidated appeal Nos. 08-16745, 08-16849 and 08-16873 are now consolidated with appeal and cross-appeal Nos. 09-15021 and 09-15133.

The stay of proceedings in these consolidated appeals is lifted.

nmg/MOATT

The motion to withdraw the opening brief filed on November 4, 2008 in consolidated appeal Nos. 08-16745, 08-16849, 08-16873 is granted. The brief is withdrawn.

The Founders' opposition to ConnectU, Inc.'s motion for voluntary dismissal of appeal No. 08-16745 is construed as a motion to intervene in appeal No. 08-16745. So construed, the motion is granted. ConnectU, Inc.'s motion for voluntary dismissal of appeal No. 08-16745 is construed as a motion to withdraw from that appeal. So construed, the motion is granted.

The Facebook, Inc.'s February 18, 2009 motion to dismiss portions of appeal Nos. 08-16745 and 08-16873 is referred to the panel that will decide the merits of this appeal.

The Founders' motion to reset the briefing schedule is granted in part. The first brief in these consolidated cross-appeals is due February 1, 2010; the second brief is due March 3, 2010; the third brief is due April 2, 2010; and the fourth brief is due within 14 days after service of the third brief.

All parties on a side are encouraged to join in a single brief to the greatest extent practicable. *See* 9th Cir. R. 28-4.