

FILEDUNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAR 29 2010

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

THE FACEBOOK, INC.; et al.,
Plaintiffs-Appellees/Cross-Appellants,
v.
CONNECTU, INC., fka ConnectU, LLC;
et al.,
Defendant-Appellee,
CAMERON WINKLEVOSS; et al.,
Defendants-Appellants/Cross-Appellees.

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: Peter L. Shaw, Appellate Commissioner

On December 11, 2009, the motions panel referred plaintiff Facebook's motion to dismiss portions of case Nos. 08-16745 and 08-16873 to the merits panel. The request of defendants Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra ("the Founders") to withdraw their March 5, 2009 opposition to Facebook's motion to dismiss, in order to allow the movants to include a revised opposition to the motion in the first cross-appeal brief, is denied.

The opposed motion of defendants Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra ("the Founders") for leave to file an oversized first brief on cross-appeal of 20,609 words is granted in part. The defendants shall file a substitute first brief on cross-appeal not to exceed 17,500 words on or before April 26, 2010. The second cross-appeal brief is due May 26, 2010. The third cross-appeal brief is due June 25, 2010. The optional reply brief is due within 14 days after service of the third cross-appeal brief.

Volumes Four and Five of the Founders' excerpts of record shall be filed under seal pursuant to Ninth Circuit Rule 27-13. The defendants may also file the substitute opening brief under seal. 9th Cir. R. 27-13.