

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

APR 26 PM 4:47

FILED _____
DOCKETED _____
DATE INITIAL

THE FACEBOOK, INC., ET AL.,
Plaintiffs/Appellees/Cross-Appellants,

v.

CONNECTU, INC.,
Defendant/Appellee,
and

ORIGINAL

CAMERON WINKLEVOSS, TYLER WINKLEVOSS
and DIVYA NARENDRA,
Defendants/Appellants/Cross-Appellees.

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

**APPELLANTS'/CROSS-APPELLEES' MOTION TO FILE
OPENING BRIEF UNDER SEAL**

JEROME B. FALK, JR. (No. 39087)
SEAN M. SELEGUE (No. 155249)
JOHN P. DUCHEMIN (No. 250501)
NOAH S. ROSENTHAL (No. 240742)
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation
Three Embarcadero Center, 7th Floor
San Francisco, California 94111-4024
Telephone: 415/434-1600
Facsimile: 415/677-6262

*Attorneys for Appellants and Cross-
Appellees Cameron Winklevoss, Tyler
Winklevoss and Divya Narendra*

Appellants and Cross-Appellees (“Appellants”) Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra (the “Founders”) are lodging, along with this motion, their Opening Brief. The Founders request leave under Ninth Circuit Rule 27-13 to file the Opening Brief under seal because the revised Opening Brief refers to and quotes from matters that were sealed below. Appellants ask the Court to maintain the brief under seal. Neither the names of the parties nor this motion need be sealed.

The Founders will prepare a redacted version of the brief for public filing and will seek agreement with Appellees and Cross-Appellants The Facebook, Inc. and Mark Zuckerberg concerning what limited portions of the brief should be redacted for the Court’s public file. Should the parties be

unable to agree on the appropriate form of a redacted brief, the Founders will present the issue for determination by the Court.

DATED: April 26, 2010.

Respectfully,

JEROME B. FALK, JR.
SEAN M. SELEGUE
JOHN P. DUCHEMIN
NOAH S. ROSENTHAL
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

By



JOHN P. DUCHEMIN

Attorneys for Appellants and Cross-Appellees Cameron Winklevoss, Tyler Winklevoss and Divya Narendra

W03 042610-180060001/PB01/1613553/F

PROOF OF SERVICE BY FEDERAL EXPRESS

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen (18) years and not a party to the within action; my business address is Three Embarcadero Center, Seventh Floor, San Francisco, California 94111-4024.

I am readily familiar with the practice for collection and processing of documents for delivery by overnight service by Federal Express of Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation, and that practice is that the document(s) are deposited with a regularly maintained Federal Express facility in an envelope or package designated by Federal Express fully prepaid the same day as the day of collection in the ordinary course of business.

On April 26, 2010, I served the following document(s) described as **APPELLANTS'/CROSS-APPELLEES' MOTION TO FILE OPENING BRIEF UNDER SEAL**

on the persons listed below by placing the document(s) for deposit with Federal Express through the regular collection process at the law offices of Howard Rice Nemerovski Canady Falk & Rabkin, A Professional Corporation, located at Three Embarcadero Center, Seventh Floor, San Francisco, California, to be served by overnight Federal Express delivery addressed as follows:


I. Neel Chatterjee
Monte Cooper
Theresa A. Sutton
Yvonne P. Greer
ORRICK HERRINGTON &
SUTCLIFFE, LLP
1000 Marsh Road
Menlo Park, CA 94025

Attorneys for Appellees/Cross-Appellants The Facebook, Inc., et al.

James E. Towery
Alison P. Buchanan
HOGE FENTON JONES & APPEL
60 South Market Street
San Jose, CA 95113

Attorneys for Appellee ConnectU, Inc.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at San Francisco, California on April 26, 2010.



Phyllis M. Montoya

W03 042610-180060001/51/1613584/v1