

# RECEIVED

Form 6. Civil Appeals Docketing Statement

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RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

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

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

TITLE IN FULL:  The Facebook, Inc., et al.  v.  ConnectU, Inc., et al.	DISTRICT: Northern		JUDGE: Hon. James Ware
	DISTRICT COURT NUMBER: C 07-01389		
	DATE NOTICE OF APPEAL FILED: 09/11/09	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): Docket Nos. 08-16745, 08-16849, 08-16873, 08- 74104, 09-15021, 09-15133		

## BRIEF DESCRIPTION OF ACTION AND RESULT BELOW:

Pursuant to District Court orders, control of Defendant ConnectU was transferred to Plaintiff The Facebook, Inc. ("Facebook"). ConnectU, controlled by Facebook, moved in the Ninth Circuit to disqualify former joint counsel for ConnectU and the remaining Defendants, the Founders of ConnectU. The Ninth Circuit remanded the motion to the District Court, which granted the motion. The Founders appealed.

## PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:

Did the District Court err in granting the motion to disqualify?

## PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST-JUDGMENT MOTIONS):

Please see Status Report, Motion to Consolidate Appeals and Motion to Set Briefing Schedule which is being filed in the Ninth Circuit today.

## DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

- Possibility of settlement
- Likelihood that intervening precedent will control outcome of appeal
- Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (specify)
- 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.

Effective 7/1/2000

## LOWER COURT INFORMATION

Page 2 of 2

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT / ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL / JURISDICTION <input type="checkbox"/> DISMISSAL / MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input 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 disqualifying counsel	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> INJUNCTIONS: <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ _____
<input type="checkbox"/> DIVERSITY	<input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT		
<input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY):  <input checked="" type="checkbox"/> OTHER (SPECIFY): Post-judgment order		

## CERTIFICATION OF COUNSEL

## I CERTIFY THAT:

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



Signature

Sean M. SeLegue

09/14/09

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\***

Effective 7/1/2000