

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

SEP 01 2010

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

PERFECT 10, INC.,

Plaintiff-counter-defendant -  
Appellant,

v.

GOOGLE, INC., a corporation,

Defendant-counter-claimant -  
Appellee.

No. 10-56316

D.C. No. 2:04-cv-09484-AHM  
Central District of California,  
Los Angeles

ORDER

The appeal filed August 24, 2010 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply.

Pursuant to the notice received from appellant on August 31, 2010, it appears that the parties have made the required arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal.

The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due not later than September 21, 2010; the answering brief is due October 19, 2010 or 28 days after service of the opening brief, whichever is

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earlier; and the optional reply brief is due within 14 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

If appellant fails to file timely the opening brief, this appeal will be dismissed automatically by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:

Molly Dwyer  
Clerk of Court

By: Amber West  
Motions Attorney/Deputy Clerk  
9th Cir. R. 27-7  
General Orders/Appendix A