

FILED

UNITED STATES COURT OF APPEALS

DEC 23 2010

FOR THE NINTH CIRCUIT

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

GIBSON GUITAR CORP., a Delaware
corporation,

Plaintiff - Appellee,

v.

eBAY INC., a Delaware corporation,

Defendant - Appellant,

and

WOWWEE USA, INC., a California
corporation; et al.,

Defendants.

No. 10-57019

D.C. No. 2:10-cv-08884-RGK
Central District of California,
Los Angeles

ORDER

GIBSON GUITAR CORP., a Delaware corporation,

Plaintiff - Appellee,

v.

WOWWEE USA, INC., a California corporation; et al.,

Defendants - Appellants,

and

WAL-MART STORES, INC., a Delaware corporation; et al.,

Defendants.

No. 10-57020

D.C. No. 2:10-cv-08884-RGK
Central District of California,
Los Angeles

GIBSON GUITAR CORP., a Delaware corporation,

Plaintiff - Appellee,

v.

WAL-MART STORES, INC., a Delaware corporation,

Defendant - Appellant,

and

WOWWEE USA, INC., a California corporation; et al.,

Defendants.

No. 10-57022

D.C. No. 2:10-cv-08884-RGK
Central District of California,
Los Angeles

Before: GOODWIN, RYMER, and GRABER, Circuit Judges.

These are preliminary injunction appeals.

The court sua sponte consolidates appeal Nos. 10-57019, 10-57020 and 10-57022.

These appeals are remanded to the district court for the limited purpose of enabling that court to state, orally or in writing, the reasons for its December 21, 2010, order granting appellee's motion for a preliminary injunction. *See* Fed. R. Civ. Pro. 65(d)(1).

The district court shall provide the oral or written statement within 14 days after the date of this order.

Appellants' motions for a stay of the district court's December 21, 2010, order pending appeal are temporarily granted, pending further order of this court.

Because these are preliminary injunction appeals, Ninth Circuit Rule 3-3 shall apply. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of any proceedings in the district court that will be included in the record on appeal.

The briefing schedule on the merits of the preliminary injunction appeals shall proceed as follows: the opening briefs and excerpts of record are due not later than January 19, 2011; the consolidated answering brief is due February 16, 2011, or 28 days after service of the last-filed opening brief, whichever is earlier; and the optional reply briefs are due within 14 days after service of the answering brief. *See* 9th Cir. R. 3-3(b).

Appellants are encouraged to join in a single brief to the greatest extent possible. *See* 9th Cir. R. 28-4.

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

The Clerk shall serve this order on the district judge.