

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

MAY 04 2012

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

MICROSOFT CORPORATION, a  
Washington corporation,  
  
Plaintiff - Appellee,  
  
v.  
  
MOTOROLA, INC.; et al.,  
  
Defendants - Appellants.

No. 12-35352

D.C. No. 2:10-cv-01823-JLR  
Western District of Washington,  
Seattle

ORDER

The appeal filed May 2, 2012 is a preliminary injunction appeal.

Accordingly, 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 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 May 30, 2012; the answering brief is due June 27, 2012 or 28 days after service of the opening brief, whichever is earlier;

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

Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

FOR THE COURT:  
MOLLY C. DWYER  
CLERK OF COURT

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