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| USCA DOCKET # (IF KNOWN) |
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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CIVIL APPEALS DOCKETING STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.


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|--|--|--------------------------------------|--|
| <p>TITLE IN FULL: THE FACEBOOK, INC. and MARK ZUCKERBERG,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG,</p> <p style="text-align: right;">Defendants.</p> | <p>DISTRICT: Northern District of California JUDGE: Honorable James Ware</p> <hr/> <p>DISTRICT COURT NUMBER: 5:07-cv-01389 JW</p> <hr/> <table style="width: 100%;"> <tr> <td style="width: 60%;">DATE NOTICE OF APPEAL FILED: 7/30/08</td> <td style="width: 40%;">IS THIS A CROSS-APPEAL? YES <input type="checkbox"/></td> </tr> </table> <hr/> <p>IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOC KET NUMBER AND CITATION (IF ANY):</p> | DATE NOTICE OF APPEAL FILED: 7/30/08 | IS THIS A CROSS-APPEAL? YES <input type="checkbox"/> |
| DATE NOTICE OF APPEAL FILED: 7/30/08 | IS THIS A CROSS-APPEAL? YES <input type="checkbox"/> | | |
| <p>BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW: District Court granted judgment enforcing a purported settlement agreement. Defendants-appellants dispute the enforceability of that purported agreement.</p> | | | |
| <p>PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:</p> <p>1) Whether the District Court erred in summarily enforcing a purported settlement agreement without holding an evidentiary hearing notwithstanding disputed issues of fact as to whether the parties agreed to all material terms.</p> <p>2) Whether the District Court erred in refusing to void a purported settlement agreement under Section 29(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78cc(b), because it was procured through securities fraud.</p> <p>Appellants reserve the right to appeal additional issues, including but not limited to evidentiary rulings.</p> | | | |
| <p>PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POSTJUDGMENT MOTIONS):</p> <p>Motion to Stay Judgment in the District Court.</p> | | | |
| <p>DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:</p> <p><input type="checkbox"/> Possibility of settlement</p> <p><input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal</p> <p><input checked="" type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify): <u>Motion to Expedite Appeal; Motion to Stay Judgment, if stay is denied by District Court.</u></p> <p><input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program</p> <p>Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges <input type="checkbox"/></p> | | | |
| <p>LOWER COURT INFORMATION</p> | | | |

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

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

July 31, 2008

 Date

COUNSEL WHO COMPLETED THIS FORM

NAME: Evan Parke

FIRM: Boies, Schiller & Flexner LLP

ADDRESS: 5301 Wisconsin Ave. N.W., Washington, D.C. 20015

E-MAIL: eparke@bsfllp.com

TELEPHONE: (202) 274-6131

FAX: (202) 237-6131

*** 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 ***