

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUN 4 2018

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

In re: FACEBOOK, INC. INTERNET  
TRACKING LITIGATION,

PERRIN AIKENS DAVIS; et al.,

Plaintiffs-Appellants,

v.

FACEBOOK, INC.,

Defendant-Appellee.

No. 17-17486

D.C. No. 5:12-md-02314-EJD  
Northern District of California,  
San Jose

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

On May 21, 2018, appellee filed a renewed motion to maintain under seal portions of the opening brief, portions of volume VII of the excerpts of record, and the motion to seal itself (Docket Entry No. 30). On May 31, 2018, appellants filed a response to appellee's renewed motion to maintain the seal (Docket Entry No. 31), accompanied by a notice of intent to unseal the response. Appellee's renewed motion to maintain the seal is granted, as outlined below.

Within 14 days after the date of this order, appellants shall submit a redacted opening brief and a redacted volume VII of the excerpts of record for public filing that track the redactions set forth in appellee's renewed motion to maintain the seal. Upon the submission of the redacted opening brief and the redacted volume

VII of the excerpts of record, the Clerk shall file publicly the redacted opening brief, volumes I through VI of the excerpts of record, and the redacted volume VII of the excerpts of record; and shall file under seal the unredacted opening brief, the unredacted volume VII of the excerpts of record, the renewed motion to maintain the seal (Docket Entry No. 30), and appellants' response to appellee's original motion to maintain the seal (Docket Entry No. 18).

Appellants' response to appellee's renewed motion to maintain the seal (Docket Entry No. 31) shall be filed provisionally under seal. If appellee does not file a motion to seal the response within 21 days after appellants' notice of intent to unseal the response, the Clerk shall unseal the notice and file the response publicly.

Appellants' motions for judicial notice (Docket Entry Nos. 12, 17, 26) are referred to the panel that will decide the merits of this appeal.

The existing briefing schedule shall continue in effect.