

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU, INC., CAMERON
WINKLEVOSS, TYLER WINKLEVOSS,
AND DIVYA NARENDRA,

Plaintiff,

v.

FACEBOOK, INC., MARK ZUCKERBERG,
EDUARDO SAVERIN, DUSTIN
MOSKOVITZ, ANDREW MCCOLLUM,
and FACEBOOK, LLC,

Defendants.

Civil Action No. 1:07-CV-10593-DPW

Related Action No. 1:04-CV-11923 (DPW)

**NOTICE OF APPELLATE RULING FROM NINTH CIRCUIT IN
FACEBOOK, INC. V. CONNECTU, INC., NO. 08-16745 AND STATUS REPORT**

Pursuant to the Court's September 30, 2009, Memorandum and Order requiring the parties "to notify this Court with a status report within 10 days of any material developments concerning the continued vitality of the Northern District of California Judgment," Dkt. No. 274, notice is hereby given that on April 18, 2011, Appellants Cameron Winklevoss, Tyler Winklevoss and Divya Narendra filed a Motion for Rehearing En Banc; on May 16, 2011, the Ninth Circuit Court of Appeals issued an Order and Amended Opinion, and denied Appellants' Petition for Rehearing; on May 21, 2011, Appellants filed a Motion to Recall the Mandate.¹

A true and correct copy of Appellants' Petition for Rehearing is attached hereto as

Exhibit A.

¹ On May 16, the Northern District of California issued an order spreading the mandate. That order was subsequently withdrawn on May 24, because the mandate has not issued from the Ninth Circuit.

A true and correct copy of the May 16, 2011, Order and Amended Opinion is attached hereto as **Exhibit B**.

A true and correct copy of Appellants' Motion to Recall Mandate, without attachments, is attached hereto as **Exhibit C**.

Dated: May 26, 2011

/s/ Theresa A. Sutton /s/

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MARK ZUCKERBERG, DUSTIN MOSKOVITZ,
ANDREW MCCOLLUM, and FACEBOOK, INC.

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 26, 2011.

Dated: May 26, 2011

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton