

FILED: March 15, 2011

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-2007
(1:09-cv-00736-GBL-TCB)

ROSETTA STONE LTD,

Plaintiff - Appellant,

v.

GOOGLE, INCORPORATED,

Defendant - Appellee,

INTERNATIONAL TRADEMARK ASSOCIATION; THE UK INTELLECTUAL
PROPERTY LAW SOCIETY; PUBLIC CITIZEN,

Amici Curiae,

PUBLIC CITIZEN, ERIC GOLDMAN, MARTIN SCHWIMMER,

Intervenors,

BLUES DESTINY RECORDS, LLC; CARFAX, INCORPORATED; FORD MOTOR
COMPANY; HARMON INTERNATIONAL INDUSTRIES, INCORPORATED; THE
MEDIA INSTITUTE; VIACOM, INC.,; BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION; BUSINESS SOFTWARE ALLIANCE; CHANEL,
INCORPORATED; COACH, INCORPORATED; GOVERNMENT EMPLOYEES
INSURANCE COMPANY; HARRAH'S ENTERTAINMENT, INCORPORATED;
LONGCHAMP USA, INCORPORATED; NATIONAL FOOTBALL LEAGUE; OAKLEY,
INCORPORATED; PROFESSIONAL GOLFERS' ASSOCIATION OF AMERICA,
INCORPORATED; ROLLS-ROYCE NORTH AMERICA, INCORPORATED; S.A.S.
JEAN CASSEGRAIN; SUNKIST GROWERS, INCORPORATED; SWAROVSKI NORTH

AMERICA, LTD.; THE ASSOCIATION FOR COMPETITIVE TECHNOLOGY; THE SUNRIDER CORPORATION; TIVO, INCORPORATED; TIFFANY & COMPANY; TUMI, INCORPORATED; UNITED CONTINENTAL HOLDINGS, INCORPORATED; 1-800 CONTACTS, INCORPORATED; CONVATEC, INCORPORATED; GURU DENIM, INCORPORATED; MONSTER CABLE PRODUCTS, INCORPORATED; PETMED EXPRESS, INC.; VOLUNTEERS OF AMERICA,

Amici Supporting Appellant,

PUBLIC KNOWLEDGE; ELECTRONIC FRONTIER FOUNDATION; EBAY INCORPORATED; YAHOO! INCORPORATED,

Amici Supporting Appellee.

O R D E R

Upon consideration of submissions relative to the motion of Public Citizen, Eric Goldman, and Martin Schwimmer to intervene in this appeal for the limited purpose of seeking to unseal the briefs and joint appendix, the court grants the motion.

Upon consideration of submissions relative to the intervenors' motion to unseal in their entirety the joint appendix, the court grants the motion to unseal only with respect to those documents that appellee has agreed in its response to unseal, and denies the motion to unseal as to those documents that appellee seeks to have remain under seal. The court strikes the joint appendix and directs appellee to prepare and file a corrected joint appendix that includes the unsealed documents. If counsel wishes to correct the previously

submitted copies of the joint appendix, as opposed to filing a new set, counsel shall make appropriate arrangements with the clerk for the return of the original joint appendix for correction. The corrected joint appendix shall be filed on or before March 25, 2011.

Upon consideration of appellee's motion for oral argument on the motion to unseal, the court denies the motion.

For the Court

/s/ Patricia S. Connor, Clerk