

FILED

UNITED STATES COURT OF APPEALS

JAN 14 2010

FOR THE NINTH CIRCUIT

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

CLRB HANSON INDUSTRIES, LLC,
dba Industrial Printing; et al.,

Plaintiffs - Appellees,

v.

WEISS & ASSOCIATES, PC,

Objector - Appellant,

v.

GOOGLE INC.,

Defendant - Appellee.

No. 09-17380

D.C. No. 5:05-cv-03649-JW
Northern District of California,
San Jose

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Appellees' motion to dismiss the appeal is denied without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (stating that merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

The briefing schedule established previously shall remain in effect.