

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 1 2021

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

In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION,

INDIRECT PURCHASER PLAINTIFFS,

Plaintiff-Appellee,

v.

TOSHIBA CORPORATION; et al.,

Defendants-Appellees,

v.

TYLER AYRES; et al.,

Movants-Appellants.

No. 20-16699

D.C. No. 4:07-cv-05944-JST  
Northern District of California,  
Oakland

ORDER

Before: W. FLETCHER and CLIFTON, Circuit Judges, and KATZMANN,\*  
Judge.

Appellee's motion to dismiss this appeal for lack of jurisdiction (Docket Entry No. 5) 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,

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\* The Honorable Gary S. Katzmann, Judge for the United States Court of International Trade, sitting by designation.

1262 (9th Cir. 1982) (merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

The opening brief and excerpts of record are due March 1, 2021; the answering brief is due March 30, 2021; and the optional reply brief is due within 21 days after service of the answering brief.