

FILED

UNITED STATES COURT OF APPEALS

JUL 30 2009

FOR THE NINTH CIRCUIT

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

DIANNE L. KELLEY; et al.,

Plaintiffs-Petitioners,

v.

MICROSOFT CORPORATION, a
Washington Corporation,

Defendant-Respondent.

No. 09-80070

D.C. No. 2:07-cv-00475-MJP
Western District of Washington,
Seattle

ORDER

Before: CANBY and THOMAS, Circuit Judges.

The court, in its discretion, grants the petition for permission to appeal the district court's April 10, 2009 order denying class action certification. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005) (per curiam). Within 10 days after the date of this order, petitioners shall perfect the appeal in accordance with Federal Rule of Appellate Procedure 5(d).

AM/MOATT