

S.D.N.Y.–N.Y.C.  
13-cv-7060  
McMahon, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 23<sup>rd</sup> day of June, two thousand twenty-one.

Present:

Jon O. Newman,  
José A. Cabranes,  
Barrington D. Parker,  
*Circuit Judges.*

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Blackberry Limited, FKA Research In Motion Limited,  
Thorsten Heins, Brian Bidulka, Steve Zipperstein,

*Petitioners,*

v.

21-243

Marvin Pearlstein, individually and on behalf of all  
others similarly situated, et al.,

*Respondents.*

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Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting Respondents' motion for class certification, and move for leave to file a reply. The Washington Legal Foundation and the Chamber of Commerce of the United States of America both move for leave to file amicus briefs. Upon due consideration, it is hereby ORDERED that the motions for leave to file a reply and amicus briefs are GRANTED, but the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court

  
Catherine O'Hagan Wolfe

