

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE SECURITIES (USA)  
LLC; JPMORGAN CHASE & Co., a  
Delaware corporation, successor in  
interest to Hambrecht & Quist and  
Chase Securities Inc.; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation, successor in interest  
to Fleetboston Robertson Stephens,  
Inc.; ONVIA INC., a Delaware  
corporation formerly known as  
Onvia.com Inc.; ROBERTSON  
STEPHENS, INC.; J.P. MORGAN  
SECURITIES INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35262

No. 09-35363

D.C. No. 2:07-cv-  
01549-JLR  
Western District of  
Washington,  
Seattle

1478

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

DEUTSCHE BANK SECURITIES INC.;  
FOUNDRY NETWORKS INC., Nominal  
Defendant, a Delaware  
corporation; MERRILL LYNCH  
PIERCE FENNER & SMITH  
INCORPORATED; J.P. MORGAN  
SECURITIES INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35280  
D.C. Nos.  
2:07-cv-01566-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MERRILL LYNCH & CO. INC.,  
*Defendant,*

and

FINISAR CORPORATION, Nominal  
Defendant, a Delaware  
corporation; MERRILL LYNCH  
PIERCE FENNER & SMITH  
INCORPORATED; J.P. MORGAN  
SECURITIES INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35282  
No. 09-35375  
D.C. Nos.  
2:07-cv-01567-JLR  
2:07-cv-01549-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1479

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.,  
INCORPORATED; LEHMAN BROTHERS,  
INC.; BANK OF AMERICA  
CORPORATION; ROBERTSON  
STEPHENS, INC.; AVANEX  
CORPORATION,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35285

D.C. Nos.  
2:07-cv-01568-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP, a global  
bank headquartered in Zurich,  
Switzerland formerly known as  
Credit Suisse First Boston  
Corporation; BANK OF AMERICA  
CORPORATION, a Delaware  
corporation, successor in interest  
to BancBoston Robertson  
Stephens, Inc.; TIVO INC., Nominal  
Defendant, a Delaware  
corporation; ROBERTSON STEPHENS,  
INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35286

No. 09-35367

D.C. Nos.  
2:07-cv-01576-JLR  
2:07-cv-01549-JLR

1480

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS & CO., a New  
York limited partnership; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation, successor in interest  
to FleetBoston Robertson  
Stephens, Inc.; ROBERTSON  
STEPHENS INC., a Massachusetts  
corporation,

*Defendants-Appellees,*

and

TURNSTONE SYSTEMS, INC., a  
Delaware corporation,

*Defendant.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35288  
D.C. Nos.  
2:07-cv-01569-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS & CO., “Goldman  
Sachs”; CREDIT SUISSE SECURITIES  
(USA) LLC, “Credit Suisse”  
formerly known as Credit Suisse  
First Boston Corporation; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation, successor in interest  
to BancBoston Robertson  
Stephens, Inc.; ROBERTSON  
STEPHENS, INC.; JUNIPER NETWORKS  
INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35289  
D.C. Nos.  
2:07-cv-01577-JLR  
2:07-cv-01549-JLR

1482

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.,  
INCORPORATED; DEUTSCHE BANK  
SECURITIES, INC.; MERRILL LYNCH,  
PIERCE, FENNER & SMITH  
INCORPORATED; Ariba Inc.,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35290  
No. 09-35381  
D.C. Nos.  
2:07-cv-01570-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.,  
INCORPORATED; CITIGROUP GLOBAL  
MARKETS, INC.; AKAMAI  
TECHNOLOGIES, INC.,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35292  
No. 09-35364  
D.C. Nos.  
2:07-cv-01571-JLR  
2:07-cv-01549-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1483

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS GROUP INC., a  
Delaware corporation; JPMORGAN  
CHASE & Co., a Delaware  
corporation, successor in interest  
to Hambrecht & Quist LLC,  
*Defendants,*

and

KANA SOFTWARE INC., Nominal  
Defendant, a Delaware corporation  
formerly known as Kana  
Communications Inc.; GOLDMAN  
SACHS & Co.; J.P. MORGAN  
SECURITIES INC.,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35293

D.C. Nos.

2:07-cv-01578-JLR

2:07-cv-01549-JLR

1484

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY, a Delaware  
corporation, successor in interest  
to Morgan Stanley Dean Witter,  
*Defendant,*

and

SILICON LABORATORIES INC.,  
Nominal Defendant, a Delaware  
corporation; MORGAN STANLEY &  
CO. INCORPORATED; LEHMAN  
BROTHERS INC.; CITIGROUP GLOBAL  
MARKETS, INC.,  
*Defendants-Appellees,*

JAMES W. GIDDENS,  
TRUSTEE FOR THE  
LIQUIDATION OF THE BUSINESS OF  
LEHMAN BROTHERS INC.,  
*Trustee-Appellee.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35297  
No. 09-35373  
D.C. Nos.  
2:07-cv-01590-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS GROUP INC., a  
Delaware corporation,  
*Defendant,*

and

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; PALM INC.,  
Nominal Defendant, a Delaware  
corporation; GOLDMAN SACHS &  
CO.; MORGAN STANLEY & CO.  
INCORPORATED; MERRILL LYNCH  
PIERCE FENNER & SMITH  
INCORPORATED; ROBERTSON  
STEPHENS, INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35300  
D.C. Nos.  
2:07-cv-01593-JLR  
2:07-cv-01549-JLR

1486

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS GROUP INC.,  
*Defendant,*

and

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; MAXYGEN INC.,  
Nominal Defendant, a Delaware  
corporation; GOLDMAN SACHS &  
CO.; ROBERTSON STEPHENS, INC.,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35301

No. 09-35374

D.C. Nos.

2:07-cv-01594-JLR

2:07-cv-01549-JLR

SIMMONDS V. CREDIT SUISSE SECURITIES

1487

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP, a global  
bank headquartered in Zurich,  
Switzerland FKA Credit Suisse  
First Boston Corporation; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation, successor in interest  
to BancBoston Robertson  
Stephens, Inc.; SILICON IMAGE,  
INC., Nominal Defendant, a  
Delaware corporation; ROBERTSON  
STEPHENS, INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35302

D.C. No.  
2:07-cv-01575-JLR

1488

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
GOLDMAN SACHS GROUP INC., a  
Delaware corporation,  
*Defendant,*  
and  
STREET.COM INC.; GOLDMAN SACHS  
& CO.; J.P. MORGAN SECURITIES  
INC.,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35303  
No. 09-35391  
D.C. Nos.  
2:07-cv-01595-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; CRITICAL PATH,  
INC., Nominal Defendant, a  
California corporation; ROBERTSON  
STEPHENS, INC.; J.P. MORGAN  
SECURITIES, INC.,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35306  
D.C. No.  
2:07-cv-01582-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; CONCUR  
TECHNOLOGIES, INC., a Delaware  
corporation; ROBERTSON STEPHENS,  
INC.; J.P. MORGAN SECURITIES, INC.,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35307  
D.C. Nos.  
2:07-cv-01585-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP, a global  
bank headquartered in Zurich,  
Switzerland; SOURCEFORGE, INC.,  
Nominal Defendant, a Delaware  
corporation, FKA VA Linux  
Systems, Inc.; LEHMAN BROTHERS,  
INC.,  
*Defendants-Appellees,*

JAMES W. GIDDENS, Trustee for the  
Liquidation of the Business of  
Lehman Brothers, Inc.,  
*Trustee-Appellee.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35308  
D.C. No.  
2:07-cv-01583-JLR

1490

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
GOLDMAN SACHS & CO.; J.P.  
MORGAN SECURITIES, INC.; RED  
HAT, INC., a Delaware corporation,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35309  
No. 09-35369  
D.C. Nos.  
2:07-cv-01587-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
CREDIT SUISSE GROUP, a global  
bank headquartered in Zurich,  
Switzerland; SELECTICA, INC.,  
Nominal Defendant, a Delaware  
corporation,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35310  
No. 09-35368  
D.C. No.  
2:07-cv-01584-JLR

VANESSA SIMMONDS  
*Plaintiff-Appellant,*  
v.  
CREDIT SUISSE GROUP SECURITIES  
(USA) LLC, a Delaware limited  
liability company; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation; ROBERTSON STEPHENS,  
INC., a Massachusetts corporation,  
*Defendants-Appellees,*  
and  
INTERWOVEN, INC.,  
*Defendant.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35312  
D.C. Nos.  
2:07-cv-01579-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS  
*Plaintiff-Appellant,*  
v.  
MORGAN STANLEY & CO.,  
INCORPORATED; J.P. MORGAN  
SECURITIES, INC.; VIGNETTE  
CORPORATION, a Delaware  
corporation,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35313  
No. 09-35370  
D.C. Nos.  
2:07-cv-01588-JLR  
2:07-cv-01549-JLR

1492

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.,  
INCORPORATED; J.P. MORGAN  
SECURITIES, INC.; LEHMAN  
BROTHERS, INC.; SYCAMORE  
NETWORKS, INC., a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35314  
No. 09-35371  
D.C. Nos.  
2:07-cv-01589-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP SECURITIES  
(USA) LLC, a Delaware limited  
liability company; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation; ROBERTSON STEPHENS,  
INC.; J.P. MORGAN SECURITIES INC.,  
a Delaware corporation,

*Defendants-Appellees,*

and

OPENWAVE SYSTEMS, INC., a  
California corporation,

*Defendant.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35315  
D.C. No.  
2:07-cv-01580-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP SECURITIES  
(USA) LLC, a Delaware limited  
liability company; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation; ROBERTSON STEPHENS,  
INC.,

*Defendants-Appellees,*

and

INFORMATICA CORPORATION, a  
Delaware corporation,  
*Defendant.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35316  
D.C. Nos.  
2:07-cv-01581-JLR  
2:07-cv-01549-JLR

1494

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP SECURITIES  
(USA) LLC, a Delaware limited  
liability company; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation; ROBERTSON STEPHENS,  
INC., a Massachusetts corporation;  
MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATED, a Delaware  
corporation; CITIGROUP GLOBAL  
MARKETS INC., a New York  
corporation,

*Defendants-Appellees,*

and

INTERSIL CORPORATION, a Delaware  
corporation,

*Defendant.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35317

No. 09-35365

D.C. Nos.

2:07-cv-01572-JLR

2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS GROUP INC.,  
*Defendant,*

and

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to Fleetboston Robertson  
Stephens, Inc.; SONUS NETWORKS  
INC., a Delaware corporation;  
GOLDMAN SACHS & CO.; LEHMAN  
BROTHERS INC.; ROBERTSON  
STEPHENS, INC.; J.P. MORGAN  
SECURITIES INC.,

*Defendants-Appellees,*

JAMES W. GIDDENS,  
TRUSTEE FOR THE  
LIQUIDATION OF THE BUSINESS OF  
LEHMAN BROTHERS INC.,  
*Trustee-Appellee.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35318

No. 09-35393

D.C. Nos.

2:07-cv-01597-JLR

2:07-cv-01549-JLR

1496

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.,  
INCORPORATED; J.P. MORGAN  
SECURITIES, INC., a Delaware  
corporation; LEHMAN BROTHERS,  
INC., a Delaware corporation,  
*Defendants-Appellees,*

and

AVICI SYSTEMS, INC., a Delaware  
corporation,  
*Defendant.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35320

No. 09-35366

D.C. No.  
2:07-cv-01573-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1497

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; PRICELINE.COM INC.,  
a Delaware corporation; MORGAN  
STANLEY & CO. INCORPORATED;  
MERRILL LYNCH PIERCE FENNER &  
SMITH INCORPORATED; ROBERTSON  
STEPHENS, INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35321  
No. 09-35397  
D.C. Nos.  
2:07-cv-01598-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.

GOLDMAN SACHS & CO.; LEHMAN  
BROTHERS, INC.; J.P. MORGAN  
SECURITIES, INC.; MARVELL  
TECHNOLOGY GROUP, LTD., a  
Bermuda corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35322  
D.C. Nos.  
2:07-cv-01632-JLR  
2:07-cv-01549-JLR

1498

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.,  
INCORPORATED; MERRILL LYNCH  
PIERCE FENNER & SMITH  
INCORPORATED; PEROT SYSTEMS  
CORPORATION, a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35323

No. 09-35404

D.C. Nos.

2:07-cv-01631-JLR

2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP, a global  
bank headquartered in Zurich,  
Switzerland; DEUTSCHE BANK AG,  
a global bank headquartered in  
Frankfurt, Germany; LEHMAN  
BROTHERS HOLDINGS, INC., a  
Delaware corporation; AIRSPAN  
NETWORKS, INC., Nominal  
Defendant, a Washington  
corporation; DEUTSCHE BANK  
SECURITIES, INC.; LEHMAN  
BROTHERS, INC.,

*Defendants-Appellees,*

and

JAMES W. GIDDENS, Trustee for the  
Liquidation of the Business of  
Lehman Brothers, Inc.,

*Trustee-Appellee.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35324

D.C. No.  
2:07-cv-01638-JLR

1500

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS & CO.; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation, successor in interest  
BancBoston Robertson Stephens  
Inc.; ROBERTSON STEPHENS, INC.;  
INSWEB CORPORATION, a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35325  
D.C. Nos.  
2:07-cv-01630-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.,  
INCORPORATED; DEUTSCHE BANK  
SECURITIES, INC.; ASIAINFO  
HOLDINGS, INC., a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35326  
No. 09-35405  
D.C. Nos.  
2:07-cv-01633-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc. and FleetBoston  
Robertson Stephens, Inc.;  
ROBERTSON STEPHENS, INC.; J.P.  
MORGAN SECURITIES, INC.; KEYNOTE  
SYSTEMS, INC., a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35328  
D.C. Nos.  
2:07-cv-01634-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; ROBERTSON  
STEPHENS, INC.; J.P. MORGAN  
SECURITIES INC.; DIGIMARC  
CORPORATION, Nominal Defendant,  
a Delaware corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35327  
No. 09-35382  
D.C. No.  
2:07-cv-01652-JLR

1502

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS & CO.; BEAR  
STEARNS & CO., INC.; DEUTSCHE  
BANK SECURITIES, INC.; TIBCO  
SOFTWARE, INC., a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35331  
D.C. Nos.  
2:07-cv-01635-JLR  
2:07-cv-11549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MARTHA STEWART LIVING  
OMNIMEDIA INC., a Delaware  
corporation; MORGAN STANLEY &  
CO. INCORPORATED; MERRILL LYNCH  
PIERCE FENNER & SMITH  
INCORPORATED,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35333  
No. 09-35380  
D.C. Nos.  
2:07-cv-01605-JLR  
2:07-cv-01549-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1503

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CREDIT SUISSE GROUP, a global  
bank headquartered in Zurich,  
Switzerland; AUDIBLE INC., a  
Delaware corporation; J.P.  
MORGAN SECURITIES INC.,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35334  
No. 09-35383  
D.C. Nos.  
2:07-cv-01623-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

GOLDMAN SACHS & CO., a New  
York limited partnership; MERRILL  
LYNCH PIERCE FENNER & SMITH  
INCORPORATED, a Delaware  
corporation; BANK OF AMERICA  
CORPORATION, a Delaware  
corporation, ROBERTSON STEPHENS,  
INC., a Massachusetts corporation,  
*Defendants-Appellees,*

and

SABA SOFTWARE, INC., a Delaware  
corporation,

*Defendant.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35335  
No. 09-35377  
D.C. Nos.  
2:07-cv-01637-JLR  
2:07-cv-01549-JLR

1504

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.  
INCORPORATED, a Delaware  
corporation; DEUTSCHE BANK  
SECURITIES INC., a Delaware  
corporation; CITIGROUP GLOBAL  
MARKETS, INC., a New York  
corporation,

*Defendants-Appellees,*

and

TRANSMETA CORPORATION, a  
Delaware corporation,

*Defendant.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35337  
D.C. Nos.  
2:07-cv-01636-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

CAPSTONE TURBINE CORPORATION, a  
Delaware corporation; GOLDMAN  
SACHS & Co.; MERRILL LYNCH  
PIERCE FENNER & SMITH  
INCORPORATED; MORGAN STANLEY &  
CO. INCORPORATED,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35339  
No. 09-35395  
D.C. Nos.  
2:07-cv-01624-JLR  
2:07-cv-01549-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1505

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
MORGAN STANLEY & CO.  
INCORPORATED; BROCADE  
COMMUNICATIONS SYSTEMS INC., a  
Delaware corporation,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35344  
D.C. Nos.  
2:07-cv-01626-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to Robertson Stephens,  
Inc.; J.P. MORGAN SECURITIES INC.;  
ROBERTSON STEPHENS, INC.; OPLINK  
COMMUNICATIONS, INC., a Delaware  
corporation,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35345  
No. 09-35399  
D.C. Nos.  
2:07-cv-01667-JLR  
2:07-cv-01549-JLR

1506

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; ROBERTSON  
STEPHENS, INC.; J.P. MORGAN  
SECURITIES INC.; NAVASITE, INC., a  
Delaware corporation,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35346

No. 09-35398

D.C. No.  
2:07-cv-01666-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.

MORGAN STANLEY & CO.  
INCORPORATED, a Delaware  
corporation; DEUTSCHE BANK  
SECURITIES, INC., a Delaware  
corporation; ASPECT MEDICAL  
SYSTEMS, INC., Nominal Defendant,  
a Delaware corporation,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35347

No. 09-35394

D.C. No.  
2:07-cv-01655-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1507

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; ROBERTSON  
STEPHENS, INC.; BEAR STEARNS &  
CO., INC.; PACKETEER, INC.,  
Nominal Defendant, a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35348

No. 09-35387

D.C. No.  
2:07-cv-01654-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to FleetBoston Robertson  
Stephens, Inc.; ROBERTSON  
STEPHENS, INC.; OMNIVISION  
TECHNOLOGIES, INC., a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35349

D.C. Nos.  
2:07-cv-01668-JLR  
2:07-cv-01549-JLR

1508

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
CREDIT SUISSE SECURITIES (USA),  
LLC; OCCAM NETWORKS, INC., a  
Delaware corporation, FKA  
Accelerated Networks, Inc.,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35350  
No. 09-35400  
D.C. Nos.  
2:07-cv-01669-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*  
v.  
J.P. MORGAN SECURITIES INC.; BEAR  
STEARNS & CO., INC.; BANK OF  
AMERICA CORPORATION, a Delaware  
corporation, successor in interest  
to BancBoston Robertson  
Stephens, Inc.; ROBERTSON  
STEPHENS, INC.; IMMERSION  
CORPORATION, a Delaware  
corporation,  
*Defendants-Appellees.*  
*In Re: SECTION 16(b) LITIGATION*

No. 09-35351  
D.C. Nos.  
2:07-cv-01670-JLR  
2:07-cv-01549-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1509

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MORGAN STANLEY & CO.  
INCORPORATED, a Delaware  
corporation; CREDIT SUISSE  
SECURITIES (USA), LLC; J.P.  
MORGAN SECURITIES, INC.; INTERNAP  
NETWORK SERVICES CORPORATION,  
Nominal Defendant, a Delaware  
corporation,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35352

No. 09-35384

D.C. No.  
2:07-cv-01653-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

MICROTUNE INC., a Delaware  
corporation; GOLDMAN SACHS &  
CO.; J.P. MORGAN SECURITIES INC.,  
*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35355

D.C. No.  
2:07-cv-01627-JLR

1510

SIMMONDS v. CREDIT SUISSE SECURITIES

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VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to BancBoston Robertson  
Stephens, Inc.; MORGAN STANLEY  
& CO. INCORPORATED; ROBERTSON  
STEPHENS, INC.; EXTREME NETWORKS  
INC.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35357  
D.C. Nos.  
2:07-cv-01628-JLR  
2:07-cv-01549-JLR

VANESSA SIMMONDS,  
*Plaintiff-Appellant,*

v.

BANK OF AMERICA CORPORATION, a  
Delaware corporation, successor in  
interest to Robertson Stephens,  
Inc.; J.P. MORGAN SECURITIES INC.;  
ROBERTSON STEPHENS, INC.; COSINE  
COMMUNICATIONS INC., a Delaware  
corporation; GOLDMAN SACHS &  
Co.,

*Defendants-Appellees.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35358  
No. 09-35390  
D.C. Nos.  
2:07-cv-01629-JLR  
2:07-cv-01549-JLR

SIMMONDS v. CREDIT SUISSE SECURITIES

1511

VANESSA SIMMONDS,  
*Plaintiff-Appellee,*

v.

CREDIT SUISSE SECURITIES (USA)  
LLC; CREDIT SUISSE SECURITIES  
(USA) LLC; J.P. MORGAN  
SECURITIES INC.; BANK OF AMERICA  
CORPORATION, a Delaware  
corporation, successor in interest  
to Fleetboston Robertson Stephens,  
Inc.; ROBERTSON STEPHENS, INC.,  
*Defendants-Appellants.*

*In Re: SECTION 16(b) LITIGATION*

No. 09-35363  
D.C. Nos.  
2:07-cv-01549-JLR  
2:07-cv-01549-JLR  
ORDER

Filed December 2, 2010  
Amended January 18, 2011  
Second Amendment January 25, 2011

Before: Sidney R. Thomas and Milan D. Smith, Jr.,  
Circuit Judges, and Michael R. Hogan, District Judge.\*

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## ORDER

The Opinion filed on December 2, 2010 and the Order and Amended Opinion filed on January 18, 2011 are amended to list the case numbers of the cross-appeals, as shown in the captions listed above.

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\*The Honorable Michael R. Hogan, United States District Judge for the District of Oregon, sitting by designation.