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**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Lina M. Khan, Chair  
Rebecca Kelly Slaughter  
Alvaro M. Bedoya**

*In the Matter of*

**FACEBOOK, Inc.,  
a corporation**

**Respondent.**

Docket No. C-4365

**UNOPPOSED EXPEDITED MOTION FOR EXTENSION OF TIME**

Respondent Facebook, Inc. (n/k/a Meta Platforms Inc.) (“Meta”) hereby moves pursuant to 16 C.F.R. § 4.3(b) for an extension of time in which to file its answer to the Order to Show Cause issued by the Commission in the above-captioned matter on May 3, 2023 (the “OTSC”). Meta understands that Complaint Counsel does not oppose Meta’s request for this extension.

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The Commission initially ordered Meta to respond to the OTSC no later than June 2, 2023,<sup>1</sup> which it extended through August 1, 2023.<sup>2</sup>

On May 31, 2023, Meta filed a motion in federal district court for an order enjoining the Commission's administrative reopening proceeding and enforcing the Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief<sup>3</sup> entered by Judge Timothy J. Kelly on April 23, 2020 (the "Motion").<sup>4</sup>

On June 1, 2023, the Court entered a Minute Order directing Meta and the United States to "meet, confer, and file a joint status report proposing a briefing schedule as well as three potential dates for a hearing" on the Motion, and ordered the United States to "indicate, for scheduling purposes, whether it expects the deadline for [Meta] to respond to the FTC's order to show cause to be further extended, in light of the complex and significant issues raised in [Meta's] motion."<sup>5</sup>

Pursuant to the Court's Order, Meta met and conferred with the Department of Justice, and agreed on a consolidated schedule for briefing and hearing on Meta's Motion and its deadline to respond to the OTSC.<sup>6</sup> As part of that consolidated schedule, Meta agreed to extend the time of the Department of Justice to respond to Meta's Motion to August 16, 2023 based on

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<sup>1</sup> Order to Show Cause Why the Commission Should Not Modify the Order and Enter the Proposed New Order, Facebook, Inc., FTC Docket No. C-4365 (May 3, 2023).

<sup>2</sup> Order Granting Unopposed Motion for Extension of Time to Respond to Order to Show Cause, Facebook, Inc., FTC Docket No. C-4365 (May 22, 2023).

<sup>3</sup> *United States v. Facebook, Inc.*, Dkt. No. 35, Civil Action No. 19-2184 (TJK), (D.D.C. April 23, 2020).

<sup>4</sup> *Id.* at Dkt. No. 38 (May 31, 2023).

<sup>5</sup> *Id.*, Minute Order (June 1, 2023) (a true and correct copy of which is included as Exhibit A to this motion).

<sup>6</sup> *Id.* at Dkt. No. 46 ("June 6 Status Report," a true and correct copy of which is included as Exhibit B to this motion).

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an extension of Meta's time to respond to the OTSC through November 30, 2023, which the Commission granted on July 13, 2023.<sup>7</sup> The Court held a hearing on Meta's Motion on October 17, 2023.

In the June 6 Status Report filed with the Court, the parties also agreed "to discuss in good faith further extensions consistent with the Court's schedule for considering Defendant's Motion." On November 15, Meta requested the Government's agreement to a further extension of Meta's deadline to a date 14 days after the Court rules on the Motion, and Meta, the Department of Justice and FTC staff met and conferred on November 20.

As stated in a further status report filed with the Court on November 20, the Government and FTC staff agreed that, to the extent the Court rules on the Motion on or before November 30, then FTC staff would not oppose Meta's request to extend its time to respond to the OTSC (if necessary) to 14 days after the Court's ruling on the Motion. The parties and FTC staff further agreed that to the extent the Court does not rule on the Motion on or before November 30, the parties would discuss in good faith a schedule for Meta's response to the OTSC (if necessary).<sup>8</sup>

Meta respectfully submits that there is good cause for the extension described in the November 20 Status Report and set forth in the attached Proposed Order, which Meta hereby requests, and the FTC staff has agreed it will not oppose. Denial of the extension would prejudice the parties, who negotiated a consolidated schedule.

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<sup>7</sup> Order Granting Respondent's Second Request for Extension of Time in which to File its Answer to the Commission's Order to Show Cause, Facebook, Inc., FTC Docket No. C-4365 (July 13, 2023).

<sup>8</sup> *United States v. Facebook, Inc.*, Dkt. No. 60, Civil Action No. 19-2184 (TJK) (D.D.C. Nov. 20, 2023) ("November 20 Status Report," a true and correct copy of which is included as Exhibit C to this motion).

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Moreover, in light of the impending November 30 deadline, Meta submits that there is also good cause to waive the time requirements under 16 C.F.R. § 3.22 and to expedite its consideration of this request.<sup>9</sup>

WHEREFORE, for good cause shown, Meta respectfully requests that the Commission promptly grant the requested relief pursuant to 16 C.F.R. § 4.3(b) and waive the time requirements under 16 C.F.R. § 3.22.<sup>10</sup>

DAVIS POLK & WARDWELL LLP

*/s/ James P. Rouhandeh*

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<sup>9</sup> See 16 C.F.R. § 3.22(f) (“[T]he Commission may waive the requirements of this section as to motions for extensions of time.”).

<sup>10</sup> Meta continues to review the OTSC and, in making this Motion, hereby reserves all rights and preserves all claims and defenses.

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**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Lina M. Khan, Chair  
Rebecca Kelly Slaughter  
Alvaro M. Bedoya**

*In the Matter of*

**FACEBOOK, Inc.,  
a corporation**

**Respondent.**

Docket No. C-4365

**[PROPOSED] ORDER**

Having considered Respondent’s Unopposed Expedited Motion for Extension of Time, filed on November 21, 2023, it is hereby ORDERED that to the extent the United States District Court for the District of Columbia rules on Respondent’s pending Motion<sup>1</sup> on or before November 30, 2023, then Respondent’s answer to the Order to Show Cause filed on May 3, 2023 shall be due fourteen (14) days after such ruling, and to the extent the United States District Court for the District of Columbia does not rule on Respondent’s pending Motion on or before November 30, 2023, then the parties shall discuss in good faith a schedule for Meta’s response to the Order to Show Cause filed on May 3, 2023.

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<sup>1</sup> *United States v. Facebook, Inc.*, Dkt. No. 38, Civil Action No. 19-2184 (TJK), (D.D.C. May 31, 2023).

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By the Commission.

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2023, I caused a true and correct copy of the foregoing Unopposed Expedited Motion for Extension of Time to be filed and served as follows:

One electronic copy via the Administrative E-Filing System and one electronic courtesy copy to the Office of the Secretary via email to [ElectronicFilings@ftc.gov](mailto:ElectronicFilings@ftc.gov).

One electronic courtesy copy to the Office of the Administrative Law Judge via email to [OALJ@ftc.gov](mailto:OALJ@ftc.gov).

One electronic copy via email to Complaint Counsel:

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/s/ James P. Rouhandeh  
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*Counsel for Respondent Meta  
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# **EXHIBIT A**



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**CourtAlert® Case Management**

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**Sent:** 6/1/2023 1:44:10 PM  
**To:** DCD\_ECFNotice@dcd.uscourts.gov  
**Subject:** Activity in Case 1:19-cv-02184-TJK UNITED STATES OF AMERICA v. FACEBOOK, INC. Order

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U.S. District Court

District of Columbia

**Notice of Electronic Filing**

The following transaction was entered on 6/1/2023 at 1:42 PM and filed on 6/1/2023

**Case Name:** UNITED STATES OF AMERICA v. FACEBOOK, INC.

**Case Number:** [1:19-cv-02184-TJK](#)

**Filer:**

**WARNING: CASE CLOSED on 04/24/2020**

**Document Number:** No document attached

**Docket Text:**

**MINUTE ORDER: Upon consideration of Defendant's [38] motion to enforce and for preliminary injunctive relief, it is hereby ORDERED that, by June 6, 2023, the parties shall meet, confer, and file a joint status report proposing a briefing schedule as well as three potential dates for a hearing on Defendant's [38] motion. The United States shall also indicate, for scheduling purposes, whether it expects the deadline for Defendant to respond to the FTC's order to show cause to be further extended, in light of the complex and significant issues raised in Defendant's [38] motion. Signed by Judge Timothy J. Kelly on 6/1/2023. (lctjk1)**

**1:19-cv-02184-TJK Notice has been electronically mailed to:**

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# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FACEBOOK, INC.,  
a corporation,

Defendant.

Case No. 1:19-cv-02184-TJK

**JOINT STATUS REPORT**

Pursuant to the Court’s June 1, 2023 Minute Order, the parties have met and conferred and hereby submit this Joint Status Report proposing a consolidated schedule for briefing and hearing on Defendant’s motion (Dkt. No. 38) (the “Motion”) and Defendant’s deadline to respond to the FTC’s order to show cause.

With respect to whether the deadline for Defendant to respond to the FTC’s order to show cause may be further extended, the United States has advised that FTC staff would not oppose Defendant’s motion to extend to November 30, 2023 its time to respond to the Commission’s order to show cause. The parties agree to discuss in good faith further extensions consistent with the Court’s schedule for considering Defendant’s Motion.

Based on the foregoing, the parties have agreed to the following briefing schedule for Defendant’s Motion. To the extent the FTC does not grant the unopposed motion to extend time through November 30, 2023, the parties shall return to the Court to discuss the schedule.

- Plaintiff’s response shall be due on or before August 16, 2023;
- Defendant’s reply shall be due on or before September 13, 2023; and

- The Parties propose October 3-5, 2023 as potential dates for a hearing on the Motion.

DATED: June 6, 2023

Respectfully submitted,

*/s/ Zachary L. Cowan*

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*/s/ James P. Rouhandeh*

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# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FACEBOOK, INC.,  
a corporation,

Defendant.

Case 1:19-cv-02184-TJK

**STATUS REPORT**

Defendant Facebook, Inc. (n/k/a Meta Platforms, Inc.) (“Meta”) respectfully submits this Status Report regarding Meta’s pending Motion to Enforce the Stipulated Order and to Enjoin the Administrative Reopening Proceeding of the Federal Trade Commission (Dkt. No. 38) (the “Motion”).

Meta’s current deadline to respond to the Commission’s order to show cause is November 30 (Dkt No. 53 at 3 n.5.). In the parties’ June 6 Joint Status Report (Dkt No. 46), the parties agreed “to discuss in good faith further extensions consistent with the Court’s schedule for considering Defendant’s Motion.” On November 15, Meta requested the Government’s agreement to a further extension of Meta’s deadline to a date 14 days after the Court rules on the Motion, and the parties met and conferred with each other and with FTC staff on November 20.

The Government and FTC staff agreed that, to the extent the Court rules on the Motion on or before November 30, then FTC staff would not oppose Meta’s motion to extend its time to respond to the order to show cause (if necessary) to 14 days after the Court’s ruling. The parties and FTC staff further agreed that to the extent the Court does not rule on the Motion on or before

November 30, the parties would discuss in good faith a schedule for Meta's response to the order to show cause (if necessary).

DATED: November 20, 2023

Respectfully submitted,

*/s/ James P. Rouhandeh*

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