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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

**CORRECTED 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, through November 30, 2023, 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 ("Joint 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, and a proposed hearing the week of October 2, 2023. The Joint Status Report filed with the Court states “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,” and, “[t]o 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.”<sup>7</sup>

On June 7, 2023, the Court entered a minute order (the “June 7 Scheduling Order”) adopting the parties’ proposed briefing schedule but requesting that the parties propose hearing dates during the week of October 16, 2023.<sup>8</sup> On June 12, 2023, the parties submitted a second joint status report proposing October 17, 18, and 19 as potential hearing dates.<sup>9</sup> On June 13, 2023, the Court entered a minute order (the “June 13 Scheduling Order”) setting a hearing for October 17.<sup>10</sup>

Consistent with the Joint Status Report and to reflect the revised briefing and hearing schedule contemplated by the Court’s June 7 and June 13 Scheduling Orders, Meta respectfully submits that there is good cause for the requested extension. Denial of the extension would prejudice the parties, who negotiated a comprehensive, consolidated schedule, and the Department of Justice in particular, whose requested time to respond to the Motion is predicated on this unopposed extension request.

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*, Minute Order (June 7, 2023) (a true and correct copy of which is included as Exhibit C to this motion).

<sup>9</sup> *Id.* at Dkt. No. 47 (a true and correct copy of which is included as Exhibit D to this motion).

<sup>10</sup> *Id.*, Minute Order (June 13, 2023) (a true and correct copy of which is included as Exhibit E to this motion).

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Moreover, to ensure that the parties and the Court have certainty concerning the Joint Status Report and the June 7 and June 13 Scheduling Orders, 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>11</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>12</sup>

DAVIS POLK & WARDWELL LLP

*/s/ James P. Rouhandeh*

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<sup>11</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>12</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 Corrected Unopposed Expedited Motion for Extension of Time, filed on June 27, 2023, it is hereby ORDERED that Respondent’s answer to the Order to Show Cause filed on May 3, 2023 shall be due on November 30, 2023.

By the Commission.

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2023, I caused a true and correct copy of the foregoing Corrected 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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# **EXHIBIT A**

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U.S. District Court

District of Columbia

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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](#)

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

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**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**

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**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

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- 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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*Attorneys for Plaintiff*

*/s/ James P. Rouhandeh*

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**EXHIBIT C**

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## CourtAlert® Case Management

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

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

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**Docket Text:**

**MINUTE ORDER: Upon consideration of the parties' [46] Joint Status Report, it is hereby ORDERED that the Government shall respond to Defendant's [38] motion to enforce and for preliminary injunctive relief by August 16, 2023, and Defendant shall reply by September 13, 2023. However, the parties are further ORDERED to, by June 12, 2023, file another joint status report proposing three available dates for a hearing the week of October 16, 2023, as the Court expects to be in trial from September 27 through October 13. Signed by Judge Timothy J. Kelly on 6/7/2023. (lctjk1)**

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**EXHIBIT D**



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**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 7, 2023 Minute Order, the parties have met and conferred and hereby propose October 17, October 18, and October 19 as potential dates for a hearing on Defendant's motion (Dkt. No. 38).

DATED: June 12, 2023

Respectfully submitted,

*/s/ Zachary L. Cowan*

---

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**EXHIBIT E**

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

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**Docket Text:**

**MINUTE ORDER: Upon consideration of the parties' [47] Joint Status Report, it is hereby ORDERED that the parties shall appear for a hearing on Defendant's [38] motion to enforce and for preliminary injunctive relief on October 17, 2023 at 9:30 a.m. in Courtroom 11. Signed by Judge Timothy J. Kelly on 6/13/2023. (lctjk1)**

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