

No. 20-____

IN THE
Supreme Court of the United States

FACEBOOK, INC.,
Petitioner,

v.

PERRIN AIKENS DAVIS ET AL.,
Respondents.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

The Wiretap Act prohibits the “intentional[] intercept[ion]” of an “electronic communication,” but precludes liability for a “party to [a] communication” or when a party consents to the interception. 18 U.S.C. § 2511(1), (2)(d). Internet webpages are frequently composed of content—images and text—sent from multiple providers according to instructions communicated by a user’s web browser to obtain that content. The question presented is:

Whether an internet content provider violates the Wiretap Act where a computer user’s web browser instructs the provider to display content on the webpage the user visits.

PARTIES TO THE PROCEEDING

Facebook, Inc. is Petitioner here and was Defendant-Appellee below.

Perrin Aikens Davis, Brian K. Lentz, Cynthia D. Quinn, and Matthew J. Vickery are Respondents here and were Plaintiffs-Appellants below.

CORPORATE DISCLOSURE STATEMENT

Facebook, Inc. is a publicly traded company and has no parent corporation. No publicly held company owns 10% or more of its stock.

STATEMENT OF RELATED PROCEEDINGS

In re Facebook, Inc. Internet Tracking Litigation, No. 17-17486 (9th Cir.) (opinion issued and judgment entered on April 9, 2020; petition for rehearing denied June 23, 2020; mandate issued August 18, 2020).

In re Facebook, Inc. Internet Tracking Litigation, No. 5:12-md-02314 (N.D. Cal.) (order granting Facebook's motion to dismiss with leave to amend issued October 23, 2015; order granting in part Facebook's motion to dismiss second amended complaint with prejudice issued June 30, 2017; order granting Facebook's motion to dismiss third amended complaint with prejudice issued November 17, 2017).

There are no additional proceedings in any court that are directly related to this case.

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