

[ORAL ARGUMENT NOT YET SCHEDULED]

No. 21-7078

In the United States Court of Appeals
for the District of Columbia Circuit

STATE OF NEW YORK, *ET AL.*,
Plaintiffs-Appellants,

v.

FACEBOOK, INC.,
Defendant-Appellee.

On Appeal from the United States District Court
for the District of Columbia, No. 1:20-cv-03589
The Honorable James E. Boasberg

**BRIEF FOR *AMICI CURIAE* THE CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA, COMPUTER &
COMMUNICATIONS INDUSTRY ASSOCIATION, AND THE
BUSINESS ROUNDTABLE SUPPORTING DEFENDANT-
APPELLEE AND AFFIRMANCE**

Jonathan D. Urick
Tyler S. Badgley
U.S. Chamber Litigation Center
1615 H Street, N.W.
Washington, DC 20062

*Counsel for Amicus Curiae
Chamber of Commerce of the
United States of America*

Noel J. Francisco
Craig A. Waldman
James M. Burnham
Brinton Lucas
Charles E.T. Roberts*
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001
Telephone: 202-879-5429
jburnham@jonesday.com

**Admitted in Pennsylvania
Not admitted in D.C. (directly
supervised by James M. Burnham,
a licensed D.C. Bar member)*

Counsel for Amici Curiae

(additional counsel listed on inside cover)

(continued from front cover)

Stephanie A. Joyce
Computer & Communications
Industry Association
25 Massachusetts Avenue, N.W.
Washington, DC 20001

*Counsel for Amicus Curiae
Computer & Communications
Industry Association*

Liz Dougherty
Business Roundtable
1000 Maine Avenue, S.W.
Washington, DC 20024

*Counsel for Amicus Curiae
Business Roundtable*

David C. Kiernan
Craig E. Stewart
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104

Counsel for Amici Curiae

**CERTIFICATE AS TO PARTIES, RULINGS,
AND RELATED CASES**

Pursuant to D.C. Cir. R. 28(a)(1), the undersigned counsel for *amici curiae* certifies the following:

(A) Parties and Amici.

Except for the Chamber of Commerce of the United States of America, Computer & Communications Industry Association, Business Roundtable, and the following, all parties and *amici* appearing before the district court and in this Court are listed in the Brief for Plaintiffs-Appellants and the Brief for Defendant-Appellee.

Amici Curiae: International Center for Law and Economics, Henry N. Butler, Richard A. Epstein, Thomas Hazlett, Justin (Gus) Hurwitz, Jonathan Klick, Thomas A. Lambert, Daniel Lyons, Geoffrey A. Manne, Alan J. Meese, Paul H. Rubin, Michael Sykuta, John Yun, Washington Legal Foundation, the Information Technology and Innovation Fund, and Shana Wallace.

(B) Ruling Under Review.

References to the ruling at issue appear in the Brief for Plaintiffs-Appellants and the Brief for Defendant-Appellee.

(C) Related Cases.

FTC v. Meta Platforms, Inc., No. 1:20-cv-03590, pending before the United States District Court for the District of Columbia.

/s/ James M. Burnham
James M. Burnham

CORPORATE DISCLOSURE STATEMENT

The Chamber of Commerce of the United States of America is a nonprofit organization organized under the laws of the District of Columbia. It has no parent corporation, and no publicly held company owns ten percent or more of its stock.

Computer & Communications Industry Association (CCIA) is a trade association operating as a 501(c)(6) non-profit, non-stock corporation organized under the laws of Virginia. CCIA has no parent corporation and no publicly held corporation owns 10% or more of its stock.

The Business Roundtable is a nonprofit organization organized under the laws of the District of Columbia. It has no parent corporation, and no publicly held corporation owns more than ten percent of its stock.

/s/ James M. Burnham
James M. Burnham

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.