

No. 22-80100

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

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**IN RE: FACEBOOK SIMULATED  
CASINO-STYLE GAMES LITIGATION**

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On Petition for Permission to Appeal from an Order of the  
United States District Court for the Northern District of California  
Case No. 5:21-CV-02777 | The Honorable Edward J. Davila

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**MOTION BY META PLATFORMS, INC. FOR LEAVE TO FILE  
REPLY IN SUPPORT OF PETITION FOR PERMISSION  
TO APPEAL UNDER 28 U.S.C. § 1292(b)**

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Petitioner Meta Platforms, Inc. respectfully requests leave to file a reply in support of its petition for permission to appeal under 28 U.S.C. § 1292(b). Dkt. 1-2.

This Court regularly grants motions for leave to file reply briefs in support of § 1292(b) petitions. *See, e.g., Cinnamon Mills v. Target Corp.*, No. 21-80111, Dkt. 11 (9th Cir. Dec. 6, 2021); *West Coast Stock Transfer, Inc. v. Terra Tech Corp.*, No. 19-80022, Dkt. 9 (9th Cir. May 31, 2019); *Swinomish Indian Tribal Community v. BNSF Ry. Co.*, No. 18-80062, Dkt. 11 (9th Cir. Aug. 21, 2018). Although neither the Federal Rules of Appellate Procedure nor this Court's rules expressly address the filing of a reply in support of a § 1292(b) petition, the Federal Rules of Appellate Procedure generally give the party seeking relief an opportunity to file a reply. *See* Fed. R. App. P. 27(a)(4) (authorizing a reply to a response to a motion); Fed. R. App. P. 28(c) (authorizing appellant to file reply brief).

Meta's proposed reply complies with the length and timing requirements in Federal Rule of Appellate Procedure 27(a)(4) and (d)(2) and Circuit Rules 27-1(1)(d) and 32-3 for reply briefs in support of motions, as it does not exceed 2,800 words and is being filed within seven days of the filing of the answer to the petition. Dkt. 6. The Court will

benefit from the proposed reply because it clarifies the issues presented, rebuts arguments raised in the answer, and corrects the record. Counsel for Meta has conferred with counsel for Plaintiffs. Plaintiffs do not oppose this motion.

Meta therefore respectfully requests that the Court grant this motion and consider the attached reply in deciding the petition.

Dated: September 29, 2022

GIBSON, DUNN & CRUTCHER LLP

By:           /s/ Christopher Chorba          

*Counsel for Petitioner  
Meta Platforms, Inc.*

## TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION .....	1
ARGUMENT .....	4
I.    This Court Should Grant Meta’s § 1292(b) Petition.....	4
A.    Section 230 Presents a Controlling Question of Law .....	4
B.    Reasonable Jurists Could Conclude That Section 230 Protects an Online Service When It Facilitates Access to Third-Party Content for a Fee .....	6
C.    An Interlocutory Appeal Would Materially Advance the Termination of This Case.....	11
II.   Plaintiffs’ Proposed Cross-Appeal Is Foreclosed by Circuit Precedent .....	13
CONCLUSION .....	15
CERTIFICATE OF COMPLIANCE .....	16

**TABLE OF AUTHORITIES**Page(s)**Cases**

<i>Carafano v. Metrosplash.com, Inc.</i> , 339 F.3d 1119 (9th Cir. 2003).....	9
<i>In re Cement Antitrust Litig.</i> , 673 F.2d 1020 (9th Cir. 1981).....	11
<i>Coffee v. Google, LLC</i> , 2022 WL 94986 (N.D. Cal. Jan. 10, 2022).....	10
<i>Dent v. Nat’l Football League</i> , 968 F.3d 1126 (9th Cir. 2020).....	14
<i>Dyroff v. Ultimate Software Grp., Inc.</i> , 934 F.3d 1093 (9th Cir. 2019).....	6, 14
<i>Fair Housing Council of San Fernando Valley v. Roommates.com, LLC</i> , 521 F.3d 1157 (9th Cir. 2008).....	3
<i>Gonzalez v. Google, Inc.</i> , 335 F. Supp. 3d 1156 (N.D. Cal. 2018).....	14
<i>Gonzalez v. Google LLC</i> , 2 F.4th 871 (9th Cir. 2021) .....	2, 8, 14
<i>HomeAway.com, Inc. v. City of Santa Monica</i> , 918 F.3d 676 (9th Cir. 2019).....	2, 7, 10
<i>ICTSI Oregon, Inc. v. Int’l Longshore &amp; Warehouse Union</i> , 22 F.4th 1125 (9th Cir. 2022) .....	11
<i>Kater v. Churchill Downs Inc.</i> , 886 F.3d 784 (9th Cir. 2018).....	9
<i>Kimzey v. Yelp! Inc.</i> , 836 F.3d 1263 (9th Cir. 2016).....	10, 14

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