


those discussions and to provide Facebook and its counsel with adequate time to review the subpoena, Facebook requests that this Court extend its time for filing a motion to quash or limit the subpoena to July 11, 2014, and that Facebook's obligation to produce documents or otherwise respond to the subpoena be tolled during that period. The additional 21 days will provide counsel for Facebook and Respondent Fanning with additional time to attempt to resolve issues regarding the scope of the subpoena and to discuss the potential necessity of filing a motion to quash or limit.

4. Undersigned counsel represents that he has conferred with counsel for Respondent Fanning, and that Respondent Fanning does not object to the proposed extension.

5. A proposed order granting this motion is attached as Exhibit B.

Dated: June 18, 2014

Respectfully submitted,

By: 

Craig S. Primis, P.C.
K. Winn Allen
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 879-5000
Facsimile: (202) 879-5200
craig.primis@kirkland.com

Counsel for Facebook Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2014, a true and correct copy of the foregoing Unopposed Motion for Extension of Time for Facebook, Inc. to File Motion to Quash or Limit Respondent's Subpoena *Duces Tecum* was served by hand and by electronic mail upon:

The Office of Donald S. Clark
Secretary
Federal Trade Commission
Room H113
600 Pennsylvania Ave., NW
Washington, DC 20580
dclark@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room H110
600 Pennsylvania Ave., NW
Washington, DC 20580
oalj@ftc.gov

I also certify that I served a copy of the foregoing via electronic mail and first-class mail upon:

Sarah Schroeder
Yan Fang
Kerry O'Brien
Federal Trade Commission
901 Market Street, Ste. 670
San Francisco, CA 94103
sschroeder@ftc.gov
yfang@ftc.gov
kobrien@ftc.gov

Peter F. Carr, II
Eckert, Seamans, Cherin & Mellott, LLC
Two International Place, 16th Floor
Boston, MA 02118
pcarr@eckertseamans.com

Maria Crimi Speth
Jaburg & Wilk, PC
3200 N. Central Ave., Ste. 2000
Phoenix, AZ 85012
mcs@jaburg.com

Dated: June 18, 2014

/s/ 
Craig S. Primis, P.C.
K. Winn Allen
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 879-5000
Facsimile: (202) 879-5200
craig.primis@kirkland.com

Counsel for Facebook Inc.

Exhibit A



SUBPOENA DUCES TECUM

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO

Facebook, Inc.
c/o Corporation Service Company
84 State Street
Boston, MA 02109

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION

Eckert Seamans Cherin & Mellott, LLC
Two International Place, 16th Floor
Boston, MA 02110

4. MATERIAL WILL BE PRODUCED TO

Peter F. Carr, II

5. DATE AND TIME OF PRODUCTION

June 26, 2014, at 5:00 PM (EST)

6. SUBJECT OF PROCEEDING

In the Matter of Jerk, LLC, et al. Docket No. 9361

7. MATERIAL TO BE PRODUCED

See documents and material identified on the attached Schedule A

8. ADMINISTRATIVE LAW JUDGE

Chief Judge D. Michael Chappell

Federal Trade Commission
Washington, D.C. 20580

9. COUNSEL AND PARTY ISSUING SUBPOENA

Respondent's Counsel:
Peter F. Carr, II
Eckert Seamans Cherin & Mellott, LLC
Two International Place, 16th Floor
Boston, MA 02110 (617) 342-6800

DATE SIGNED

Jun 5, 2014

SIGNATURE OF COUNSEL ISSUING SUBPOENA

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1995.

RETURN OF SERVICE

I hereby certify that a duplicate original of the within subpoena was duly served: (check the method used)

- in person.*
- by registered mail.*
- by leaving copy at principal office or place of business, to wit:*

on the person named herein on:

(Month, day, and year)

(Name of person making service)

(Official title)

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright

In the matter of:)
)
)
Jerk, LLC, a limited liability company,) DOCKET NO. 9361
)
) Also d/b/a JERK.COM, and)
)
) John Fanning,)
) Individually and as a member of)
) Jerk, LLC,)
)
) Respondents.)
)

**RESPONDENT COUNSEL'S SUBPOENA *DUCES TECUM*
ISSUED TO FACEBOOK, INC.**

Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. §§ 3.31 and 3.34, and the Scheduling Order of the Chief Administrative Law Judge Chappell, Respondent Counsel hereby requests that Facebook, Inc. produce the following documents set forth below:

SPECIFIED DOCUMENTS TO BE PRODUCED

1. All communications between Facebook and the Federal Trade Commission (the "FTC") concerning John Fanning from 2010 to present.
2. All communications between Facebook and the FTC concerning Jerk, LLC and/or Jerk.com from 2010 to the present.
3. All communications between Facebook and any third-parties concerning John Fanning for the time period 2010 to the present.

4. All communications between Facebook and third-parties concerning Jerk, LLC and/or Jerk.com for the time period 2010 to the present.
5. All complaints received by Facebook from any third-parties, including any Facebook user and/or subscriber, concerning Jerk, LLC and/or Jerk.com.
6. All communications between Facebook and Jerk, LLC.
7. All communications between Facebook and John Fanning concerning Jerk, LLC and/or Jerk.com.
8. All contracts or agreements between Jerk, LLC and Facebook.
9. All communications between Facebook and any application developer purportedly acting on behalf of Jerk, LLC, including any terms of use or contracts.
10. All terms of use governing Facebook subscribers, users, or developers effective during the time period 2008 through 2014.
11. All documents concerning policies and procedures of Facebook concerning the disclosure of personal privacy information of Facebook users or subscribers in effect from 2008 to the present, including concerning any profile privacy settings implemented by Facebook.
12. All documents concerning policies and procedures of Facebook concerning publicly available information of Facebook subscribers or users in effect from 2008 to the present.
13. All communications between Facebook and Electronic Privacy Information Center from 2008 to the present.
14. All communications between Facebook and the FTC concerning Facebook's Profile Privacy Settings during the time period 2008 to the present.
15. All communications between Facebook and the FTC concerning an investigation conducted by the FTC of Facebook's Profile Privacy Settings and the collection, storage,

maintenance, and disclosure of user or subscriber personal privacy information (collectively the "FTC Investigation").

16. All documents or information produced by Facebook to the FTC arising out of or related to the FTC Investigation, including all responses by Facebook to any Civil Investigative Demand served by the FTC.
17. All documents or information received by Facebook from the FTC arising out of or related to the FTC Investigation.
18. All documents or information concerning the Complaint filed against Facebook by the FTC, Docket No. C-0923184 (the "Complaint").
19. All documents or information received by Facebook from the FTC arising out of or related to the Complaint.
20. All documents or information concerning any consent decree entered into by and between Facebook and the FTC arising out of or related to the Complaint.
21. All documents or information concerning any agreements by and between Facebook and the FTC concerning Jerk, LLC, Jerk.com, and/or John Fanning.
22. All documents or information concerning any promises, inducements or rewards granted or offered by the FTC to Facebook related to Jerk, LLC, Jerk.com, and/or John Fanning.
23. All documents or information concerning any assistance provided to the FTC by Facebook related to any claims, complaints, or investigations by the FTC involving Jerk, LLC, Jerk.com, and/or John Fanning.
24. All communications between Facebook and the United States Government, including the United States Attorney General or the Justice Department, concerning Jerk, LLC, Jerk.com, and/or John Fanning.

25. All initial and biennial assessments and reports (“Assessments”) provided by Facebook to the FTC as defined by Part V of the Decision and Order of the FTC accepting and approving the Agreement Containing Consent Order concerning the Complaint, docketed as Docket No. C-4365.
26. All documents and information provided by Facebook to the FTC arising out of or related to the Agreement Containing Consent Order executed by Facebook with respect to the Complaint.

Exhibit B

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of,)	
)	
Jerk, LLC, a limited liability company, also d/b/a JERK.COM, and)	DOCKET NO. 9361
)	
John Fanning, individually and as a member of Jerk, LLC)	
Respondents.)	
)	

**[PROPOSED] ORDER REGARDING FACEBOOK, INC.'S DEADLINE TO FILE
MOTION TO QUASH OR LIMIT RESPONDENT'S SUBPOENA
*DUCES TECUM***

Facebook, Inc. ("Facebook") proposes the entry of an Order extending Facebook's deadline for filing a motion to quash or limit, or otherwise responding to, the Subpoena *Duces Tecum* issued by Respondent Jerk, LLC until and including July 11, 2014.

Good cause having been shown,

IT IS ORDERED:

That the Unopposed Motion For Extension of Time for Facebook, Inc. To File a Motion to Quash or Limit Respondent's Subpoena *Duces Tecum* is **GRANTED**; and

Facebook's deadline to file a motion to quash or limit, or otherwise respond to, the Subpoena *Duces Tecum* issued by Respondent Jerk, LLC is hereby extended until and including July 11, 2014.

Dated: _____

D. Michael Chappell
Chief Administrative Law Judge