

witnesses). Respondent's Motion for Extension of Time (Dec. 3, 2004) at 2. Respondent also states that "because of the proximity of the briefing schedule to the Christmas and New Year's holidays, the current schedule would be a substantial inconvenience and hardship on some of the counsel in this matter." *Id.* at 1-2. Respondent cites "the large amount of evidence and the 97-page Initial Decision" and the prior commitments of counsel as the basis for requesting that the Commission grant an extension of time for the filing of each of the appellate briefs. *Id.* at 2. Respondent advises that Complaint Counsel have authorized it to state that they join in the relief requested in this motion. *Id.* at 1.

The Commission has determined to grant Respondent's motion. The time periods prescribed by the Commission Rules of Practice ordinarily should afford parties to FTC proceedings sufficient time to file pleadings and briefs of sufficient quality and detail to aid in the preparation of Commission opinions and orders. The proximity of the current briefing schedule to the Christmas and New Year's holidays, however, coupled with the complexity of the issues suggested by the parties, may interfere with that process. Accordingly,

IT IS ORDERED THAT (1) Respondent shall file its Appeal Brief on or before January 14, 2005, and (2) the appeal of Respondent shall be deemed perfected "by the timely filing of an appeal brief," for purposes of Commission Rule 3.51(a), 16 C.F.R. § 3.51(a), if Respondent files its Appeal Brief by that date;

IT IS FURTHER ORDERED THAT (1) Complaint Counsel shall file their Answering and Cross-Appeal Brief on or before March 15, 2005, and (2) Complaint Counsel's cross-appeal shall be deemed perfected "by the timely filing of an appeal brief" if Complaint Counsel file their Answering and Cross-Appeal Brief by that date, whether or not Respondent has previously perfected its appeal;

IT IS FURTHER ORDERED THAT Respondent shall file its Reply and Answering Brief on or before April 14, 2005; and

IT IS FURTHER ORDERED THAT Complaint Counsel shall file their Rebuttal Brief on or before April 28, 2005.

By the Commission.

Donald S. Clark
Secretary

ISSUED: December 10, 2004