

PUBLIC

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
Matter No. 9441**

**COMMISSIONERS:**      **Andrew N. Ferguson, Chairman**  
                                  **Melissa Holyoak**  
                                  **Mark R. Meador**

IN THE MATTER OF:  
 PHILIP SERPE

APPELLANT

**MOTION FOR CLARIFICATION AND EXTENSION OF TIME**

Appellant Philip Serpe moves for an extension of time to file his opening brief and for clarification of the Federal Trade Commission’s September 15, 2025, Order Partially Staying Administrative Law Judge’s Decision, Granting Review, and Ordering Briefing Schedule (the “Order”).

On September 12, 2025, the FTC’s administrative law judge issued its final decision in Serpe’s appeal. Neither Serpe nor the Authority appealed that decision. On September 15, 2025, the FTC invoked its authority under 15 U.S.C. § 3058(c)(1) to *sua sponte* review the ALJ’s decision. In the Order, the FTC issued the briefing schedule, directing Serpe to file the opening brief on October 16, 2025.

When exercising its authority to *sua sponte* review the ALJ’s decision, the FTC is required to issue an order that “set[s] forth the scope of such review and the issues to be considered.” 16 C.F.R. § 1.147(a); *cf.* 16 C.F.R. § 1.147(b)(2)(i) (requiring similar information from an appellant’s application for review). Respectfully, the Order did not include this information. Neither Serpe nor the Authority has identified any error for appeal, and the ALJ’s decision included several independent holdings, any of which could be dispositive. Without an order clarifying the issues on appeal, Serpe has no way of knowing which issues to address in his opening brief.

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Serpe respectfully requests that the FTC issue an order clarifying the issues on appeal in accordance with 16 C.F.R. § 1.147(a). By extension, Serpe requests that his deadline be tolled until the entry of such an order and that his deadline for filing his opening brief is extended accordingly.

Respectfully submitted,

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**PUBLIC****CERTIFICATE OF SERVICE**

Pursuant to 16 CFR § 1.146(a) and 16 CFR § 4.4(b), a copy of the foregoing is being served this 23rd day of September, 2025, via first-class mail and/or electronic mail upon the following:

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