## UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS:	Deborah Platt Majoras, Chairman Pamela Jones Harbour Jon Leibowitz
	William E. Kovacic J. Thomas Rosch
In the Matter of	)
REALCOMP II, LTD., a corporation.	Docket No. 9320

## ORDER PARTIALLY GRANTING JOINT MOTION FOR EXTENSION OF TIME THROUGHOUT THE APPELLATE BRIEFING SCHEDULE

Complaint Counsel and Respondent have filed a Joint Motion for Extension of Time Throughout the Appellate Briefing Schedule (December 21, 2007) (hereinafter "Joint Motion") requesting that the Commission extend the time for the filing of briefs on the appeal and possible cross-appeal in this matter. For the reasons discussed below, the Commission grants in part the parties' motion for an extension of time.

Chief Administrative Law Judge McGuire filed his Initial Decision and Order in this matter on December 10, 2007, and Complaint Counsel filed a timely Notice of Appeal on December 19, 2007. If Respondent determines to file a Notice of Appeal (hereinafter "Notice of Cross-Appeal"), it must be filed on or before December 31, 2007. Pursuant to Commission Rule 3.52(g), 16 C.F.R. § 3.52(g) (2007), if such a Notice of Cross-Appeal is filed -- and Respondent perfects its Cross-Appeal with the timely filing of a Cross-Appeal Brief -- Complaint Counsel will be deemed the Appellant, and Respondent will be deemed the Cross-Appellant/Appellee. Because Complaint Counsel were served with the Initial Decision on December 19, 2007, Complaint Counsel must currently file their Appeal Brief on or before January 18, 2008. If service of that and subsequent briefs is effected on the opposing parties on the date on which each brief is due -- and if Respondent files and perfects a Cross-Appeal -- then Respondent's Answering and Cross-Appeal Brief would be due on or before February 20, 2008.

<sup>&</sup>lt;sup>1</sup>Commission Rule 3.52(b), 16 C.F.R. § 3.52 (b).

<sup>&</sup>lt;sup>2</sup>For purposes of this Order, if Respondent files a Cross-Appeal, it will be deemed to have been perfected if its initial brief contains its "arguments as to any issues [Respondent] is raising on cross-appeal . . ." Commission Rule 3.52(c), 16 C.F.R. § 3.52(c).

The time periods prescribed by the Commission Rules of Practice ordinarily should afford parties to Commission 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 holidays, however, may interfere with that process. *See* Order Granting in Part and Denying in Part Joint Motion for Extension of Time and Length of Appeal Briefs, *In re Evanston Northwestern Healthcare Corporation*, Docket No. 9315 (Nov. 18, 2005) available at <a href="http://www.ftc.gov/os/adjpro/d9315/051205orderd9315.pdf">http://www.ftc.gov/os/adjpro/d9315/051205orderd9315.pdf</a>. The Commission has therefore determined to grant an extension as to the initial brief and the answering brief. Because the time for filing the notice of cross-appeal has not expired, the Commission will issue a subsequent order regarding further briefing and a date for the oral argument. Accordingly,

**IT IS ORDERED THAT** (1) Complaint Counsel shall file their Appeal Brief on or before January 25, 2008, and (2) the appeal of Complaint Counsel 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 Complaint Counsel file their Appeal Brief by that date;

IT IS FURTHER ORDERED THAT (1) Respondent shall file its Answering Brief (including any Cross-Appeal Brief) on or before February 29, 2008, and (2) if Respondent pursues a cross appeal, it shall be deemed perfected "by the timely filing of an appeal brief" if Respondent files its Answering and Cross-Appeal Brief by that date, whether or not Complaint Counsel have previously perfected their appeal.

**IT IS FURTHER ORDERED THAT** all of the foregoing Briefs shall in all other respects conform to the requirements of Commission Rule 3.52, 16 C.F.R. § 3.52.

By the Commission.

C. Landis Plummer Acting Secretary

ISSUED: December 28, 2007