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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERAL TRADE COMMISSION,
Plaintiff,
v.
META PLATFORMS, INC., et al.,
Defendants.

Case No. 5:22-cv-04325-EJD

**JOINT STIPULATION AND [PROPOSED]
ORDER RE: TEMPORARY RESTRAINING
ORDER**

Dept.: Courtroom 4 – 5th Floor
Honorable Edward J. Davila

Plaintiff Federal Trade Commission (“FTC”), and Defendants Meta Platforms, Inc. (“Meta”) and Within Unlimited, Inc. (“Within,” and collectively, “Defendants”), through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on July 27, 2022, the FTC filed a Complaint for a Temporary Restraining Order and Preliminary Injunction pursuant to Section 13(b) of the Federal Trade Commission Act concerning

1 the proposed acquisition of Within Unlimited, Inc. by Meta Platforms, Inc. (the “Proposed Transaction”)
2 (D.E. 1);

3 WHEREAS, on August 4, 2022, Plaintiff and Defendants stipulated to a Temporary Restraining
4 Order (“TRO”) and agreed that Meta and Within would not close or consummate the Proposed
5 Transaction until after 11:59 PM Eastern Time on December 31, 2022, or until the first (1st) business
6 day after the District Court rules on the FTC’s request for a preliminary injunction pursuant to Section
7 13(b) of the Federal Trade Commission Act, whichever occurs earlier in time, and this Court so ordered
8 the stipulation on August 5, 2022 (*see* D.E.s 53, 56);

9 WHEREAS Plaintiff and Defendants have agreed to extend the TRO by one month to ensure this
10 Court has sufficient time to rule on the FTC’s request for a preliminary injunction before the TRO
11 expires;

12 THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the TRO shall be extended
13 to either January 31, 2023 at 11:59 PM Eastern Time, or until the first (1st) business day after the District
14 Court rules on the FTC’s request for a preliminary injunction pursuant to Section 13(b) of the Federal
15 Trade Commission Act, whichever occurs earlier in time; Plaintiff and Defendants further stipulate that:

- 16 a) In connection with the TRO, Meta and Within shall take any and all reasonable and practicable
17 steps to prevent any of their officers, directors, domestic or foreign agents, divisions,
18 subsidiaries, affiliates, partnerships, or joint ventures from closing or consummating, directly
19 or indirectly, the Proposed Transaction; and
20 b) In computing any period of time specified in this attachment, the day of the act, event, or
21 default that triggers the period shall be excluded. The term “business day” as used in this
22 attachment refers to any day that is not a Saturday, Sunday, or federal holiday.

23 In stipulating to extend the TRO, Meta, Within, and the FTC do not waive any objections,
24 arguments, or protections, and otherwise expressly reserve all rights.

25 Dated: December 19, 2022

Respectfully submitted,

26 META PLATFORMS, INC.

27 By: /s/ Bambo Obaro

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Attorneys for Defendant META PLATFORMS,
INC.

1 Dated: December 19, 2022

Respectfully submitted,

2 WITHIN UNLIMITED, INC.

3 By: /s/ Christopher J. Cox

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24 Counsel for WITHIN UNLIMITED, INC.

18 Dated: December 19, 2022

Respectfully submitted,

19 FEDERAL TRADE COMMISSION

20 By: /s/ Abby L. Dennis

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FILER’S ATTESTATION

I, Abby Dennis, am the ECF User whose ID and password are being used to file the foregoing document. In compliance with Civil Local Rule 5-1(h)(3), I attest that concurrence in this filing has been obtained from the other signatories above.

By: /s/ Abby Dennis

[PROPOSED] ORDER

PURSUANT TO THE PARTIES’ STIPULATION, IT IS SO ORDERED that the Temporary Restraining Order previously stipulated to in this action (D.E.s 53, 56) shall be extended to either January 31, 2023 at 11:59 PM Eastern Time, or until the first (1st) business day after the District Court rules on the FTC’s request for a preliminary injunction pursuant to Section 13(b) of the Federal Trade Commission Act, whichever occurs earlier in time.

Dated: _____

Honorable Edward J. Davila
United States District Court Judge