

No. 24-13436

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

---

CHAMBER OF COMMERCE  
OF THE UNITED STATES OF AMERICA,  
*Petitioner,*

v.

FEDERAL TRADE COMMISSION,  
*Respondent.*

---

**NOTICE OF FILING PETITIONS WITH JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

---

Respondent, the Federal Trade Commission, hereby gives notice that it has filed this petition and three other petitions it has received with the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. § 2112(a)(3) so that the petitions may be consolidated for review in a single court of appeals. A copy of the Notice of Multicircuit Petitions for Review filed with the JPML is attached.

Respectfully submitted,

ANISHA S. DASGUPTA  
*General Counsel*

November 20, 2024

/s/ Matthew M. Hoffman

MATTHEW M. HOFFMAN  
*Attorney*

FEDERAL TRADE COMMISSION  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
mhoffman@ftc.gov  
(202) 326-3097

NOTICE TO THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION  
OF MULTICIRCUIT PETITIONS FOR REVIEW

IN RE: Federal Trade Commission, MCP-  
*Negative Option Rule*, RIN 3084-  
AB60

**NOTICE OF MULTICIRCUIT PETITIONS FOR REVIEW**

Pursuant to 28 U.S.C. § 2112(a)(3) and the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, the Federal Trade Commission hereby notifies the Judicial Panel on Multidistrict Litigation of four petitions for review of the same final agency action. *See Negative Option Rule*, RIN 3084-AB60 (announced on October 16, 2024, and published in the Federal Register on November 15, 2024). The petitions for review were filed in the United States Courts of Appeals for the Fifth, Sixth, Eighth, and Eleventh Circuits on October 22, 2024, and received by the FTC from the petitioners on October 25, 2024. Although the FTC believes that the Rule did not issue within the meaning of § 2112 until it was published in the Federal Register, the Fifth Circuit issued a writ of mandamus on November 19, 2024, concluding that the Rule issued when it was publicly announced by the FTC and directing the agency to notify the Panel of the petitions. *In re Electronic Security Ass'n*, No. 24-60570 (5th Cir. Nov. 19, 2024).

Respectfully submitted,

November 20, 2024

ANISHA DASGUPTA  
*General Counsel*

MATTHEW M. HOFFMAN  
*Attorney*

FEDERAL TRADE COMMISSION  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
202-326-3097  
mhoffman@ftc.gov

**SCHEDULE REQUIRED BY RULE 25.2 OF THE RULES OF  
PROCEDURE OF THE UNITED STATES JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

1. Date the agency issued the final rule: Rule announced October 16, 2024, and published in Federal Register November 15, 2024.

2. Petitions for review filed:

*Electronic Security Ass'n, Interactive Advertising Bureau, and NCTA- The Internet & Television Ass'n v. FTC*

Fifth Circuit No. 24-60542

Filed: October 22, 2024

Received by the FTC: October 25, 2024

*Michigan Press Ass'n and National Federation of Independent Business, Inc., v. FTC*

Sixth Circuit No. 24-3912

Filed: October 22, 2024

Received by the FTC: October 25, 2024

*Custom Communications, Inc. d/b/a Custom Alarm v. FTC*

Eighth Circuit No. 24-3137

Filed: October 22, 2024

Received by the FTC: October 25, 2024

*The Chamber of Commerce of the United States of America and the Georgia Chamber of Commerce v. FTC*

Eleventh Circuit No. 24-13436

Filed: October 22, 2024

Received by the FTC: October 25, 2024