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MARCIA M. WALDRON

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UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106-1790

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February 20, 2015

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RE: FTC v. Wyndham Worldwide Corp, et al

Case Number: 14-3514

District Case Number: 2-13-cv-01887

Dear Counsel:

Please be prepared at oral argument to discuss the following issues:

(1) Has the Federal Trade Commission declared that unreasonable cybersecurity practices are “unfair,” 15 U.S.C. § 45(a), through the procedures provided in the Federal Trade Commission Act, 15 U.S.C. §§ 41-58?

(2) Assuming it has not, is the FTC asking the federal courts to determine that unreasonable cybersecurity practices are “unfair” in the first instance, and if so, can the courts do so in this case brought under 15 U.S.C. § 53(b)?

In addition, the Court may ask counsel to prepare after oral argument supplemental memoranda on these issues.

Page – 2 –

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Very truly yours,

*Marcia M. Waldron*

Marcia M. Waldron, Clerk

By: *Patrick A. McCauley, Jr.*  
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