

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Consolidated Case Nos. 04-56916 and 04-57173

FAIR HOUSING COUNCIL OF SAN FERNANDO VALLEY *et al.*,

Plaintiffs, Appellants and Appellees,

v.

ROOMMATE.COM, LLC.

Defendant, Appellee and Appellant.

On Appeal from the United States District Court
for the Central District of California
The Honorable Percy Anderson
United States District Judge, Presiding
Case No. CV-03-09386-PA (RZx)

BRIEF OF *AMICI CURIAE* AMAZON.COM, INC., AOL LLC, EBAY INC.,
FACEBOOK, INC., GOOGLE INC., IAC/INTERACTIVECORP, MICROSOFT
CORPORATION, THE NEW YORK TIMES COMPANY, TRIBUNE
COMPANY, YAHOO! INC., ASSOCIATION FOR COMPETITIVE
TECHNOLOGY, CENTER FOR DEMOCRACY AND TECHNOLOGY,
ELECTRONIC FRONTIER FOUNDATION, INTERNET COMMERCE
COALITION, NETCHOICE, ONLINE NEWS ASSOCIATION, TECHNOLOGY
NETWORK D/B/A TECHNET, AND UNITED STATES INTERNET SERVICE
PROVIDER ASSOCIATION IN SUPPORT OF ROOMMATE.COM, LLC IN
THE *EN BANC* PROCEEDINGS

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CORPORATE DISCLOSURE STATEMENT

Amazon.com, Inc. is a publicly held corporation and does not have a parent corporation. Legg Mason, Inc. owns ten percent or more of its stock.

AOL LLC is a majority-owned subsidiary of Time Warner Inc., a publicly traded corporation. No other publicly traded corporation owns ten percent or more of its stock.

eBay Inc. is a publicly held corporation and does not have a parent corporation. No publicly traded corporation owns ten percent or more of its stock.

Facebook, Inc. is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

Google Inc. is a publicly held corporation and does not have a parent corporation. No publicly traded corporation owns ten percent or more of its stock.

IAC/InterActiveCorp is a publicly held corporation and does not have a parent corporation. The following publicly held corporations own, directly or indirectly, more than ten percent of its stock: Liberty Media Corporation and Legg Mason, Inc.

Microsoft Corporation is a publicly held corporation and does not have a parent corporation. No publicly traded corporation owns ten percent or more of its stock.

The New York Times Company is a publicly held corporation and does not have a parent corporation. No publicly traded corporation owns ten percent or more of its stock.

Tribune Company is a publicly held corporation and does not have a parent corporation. No publicly traded corporation owns ten percent or more of its stock.

Yahoo! Inc. is a publicly held corporation and does not have a parent corporation. No publicly traded corporation owns ten percent or more of its stock.

The Association for Competitive Technology is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

The Center for Democracy & Technology is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

The Electronic Frontier Foundation is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

The Internet Commerce Coalition, is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

NetChoice is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

The Online News Association is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

Technology Network, d/b/a TechNet, is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

The United States Internet Service Provider Association is not a publicly held corporation and does not have a parent corporation, and no publicly traded corporation owns ten percent or more of its stock.

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STATEMENT OF THE *AMICI*

Amici curiae Amazon.com, Inc., AOL LLC, eBay Inc., Facebook, Inc., Google Inc., IAC/InterActiveCorp (“IAC”), Microsoft Corporation, The New York Times Company, Tribune Company, Yahoo! Inc., Association for Competitive Technology (“ACT”), Center for Democracy and Technology (“CDT”), Electronic Frontier Foundation (“EFF”), Internet Commerce Coalition (“ICC”), NetChoice, the Online News Association (“ONA”), Technology Network (“TechNet”), and the United States Internet Service Provider Association (“US ISPA”) (“Amici”) file this brief to respectfully urge the Court to adhere to the broad interpretation of 47 U.S.C. §230(c)(1) that has been adopted by courts during the decade since its enactment. Pursuant to Fed.R.App.P. 29(a), Amici have obtained the parties’ consent to file this brief.

Amici are providers of interactive computer services or organizations that either represent such service providers or represent the interests of those who disseminate information online, as well as the interests of the public at large, in fostering a diverse and dynamic Internet. Amazon.com, AOL, eBay, Google, Tribune, Yahoo!, NetChoice, and US ISPA each joined an Amicus brief submitted to the original panel; additional copies of that brief have been submitted to the office of the Clerk for consideration by the *en banc* panel. Those companies and organizations are now joined by Microsoft, Facebook, IAC, The New York Times

Company, ACT, CDT, EFF, ICC, ONA, and TechNet, each of which is described below:

Microsoft's online services division provides a wide variety of interactive services, including: Windows Live Expo, a free online classifieds service; Windows Live Spaces, a blogging and social networking service; Live Search, a search engine that offers an index of billions of third-party Web pages; Soapbox on MSN Video, an online video-sharing service that allows users to upload, share and view their video clips; Windows Live Hotmail, a free Web-based email service used by millions of individuals; Windows Live Messenger, an instant messaging service; an Internet portal; and numerous other offerings that provide access to a variety of third-party content.

Facebook, Inc. provides a social utility that allows users to share information with their friends and others who share their real world social communities. From its founding in a dorm room fewer than four years ago, it has grown to be the sixth most trafficked web site with over 50 million active users worldwide.

IAC is a diversified e-commerce company whose businesses are leaders in numerous sectors of the Internet economy. IAC's operating businesses include Ask.com, Citysearch, CollegeHumor, Evite, HSN, LendingTree, Match.com, RealEstate.com, Shoebuy.com, and Ticketmaster. Many of the websites operated by these businesses provide users with the ability to search for, view, and post

consumer reviews, user profiles, photographs, videos, and other user-generated content.

The New York Times Company is a diversified media company whose core purpose is to enhance society by creating, collecting and distributing high-quality news, information, and entertainment. The New York Times Company owns and operates more than thirty websites including nytimes.com, boston.com, and about.com.

ACT is a trade association representing information technology businesses and professionals. ACT advocates for a regulatory and legal environment that promotes growth and investment in information technology and services.

CDT is a non-profit public interest and Internet policy organization. CDT represents the public's interest in an open, decentralized Internet reflecting constitutional and democratic values of free expression, privacy, and individual liberty.

EFF is a non-profit, member-supported civil liberties organization that works to protect rights in the digital world. EFF encourages and challenges industry, government and the courts to support free expression, privacy, and openness in the information society.

ICC is a trade association of leading broadband Internet service providers, e-commerce sites, and technology trade associations. Its mission is to achieve a legal

