

**FILED**

MAY 9 2017

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**FEDERAL TRADE COMMISSION,**

Plaintiff-Appellee,

v.

**AT&T MOBILITY LLC, a limited  
liability company,**

Defendant-Appellant.

No. 15-16585

D.C. No. 3:14-cv-04785-EMC  
Northern District of California,  
San Francisco

**ORDER**

**THOMAS**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.