ORDER DENYING RESPONDENTS' MOTION TO COMPEL
FURTHER ANSWERS TO INTERROGATORIES

I.

On December 16, 2022, Respondents Meta Platforms, Inc. ("Meta"), Mark Zuckerberg, and Within Unlimited, Inc ("Within") (collectively, "Respondents") filed a Motion to Compel Federal Trade Commission ("FTC") Complaint Counsel to provide further answers to interrogatories 1, 7, 8 and 11 issued by Respondents Meta and Within ("Motion"). Complaint Counsel filed an Opposition to the Motion on Dec (s)-1ec"b, 2022.2 (T)2 (he)4 (M)-1 (o1t)-2 (i)-2 ([(i)-

II.

This is an action to enjoin Meta's proposed acquisition of Within. Meta markets and sells a virtual reality ("VR") game application ("app") known as "Beat Saber." Within markets and sells a VR app known as "Supernatural."

On October 13, 2022, with leave of court, Complaint Counsel filed an Amended Complaint. The original Complaint alleged two relevant markets, one comprising dedicated virtual reality ("VR") fitness applications ("apps"), which is alleged to include Supernatural, and one comprising VR fitness apps in general. The Amended Complaint deleted allegations of the broader VR fitness apps market. The Amended Complaint alleges that Meta is positioned to enter the dedicated VR fitness app market with Beat Saber, and that Meta's acquisition of Within is likely to substantially lessen competition in the dedicated VR fitness app market.

Respondents Meta and Within served their first set of interrogatories on October 4, 2022. Complaint Counsel filed supplemental answers and objections to interrogatories 1, 7, 8, and 11 on December 5, 2022. The parties dispute the sufficiency of Complaint Counsel's supplemental answers and objections.

Pursuant to Commission Rule 3.31(c)(1): "Parties may obtain discovery to the extent that it m

There is no dispute that the Amended Complaint omits general or "incidental" VR fitness apps as an alleged relevant market. Therefore, the identity of participants in that market is no longer relevant, and Complaint Counsel's objection to Interrogatory 11 on that basis is valid. Discovery0