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June 12, 2013

VIA ECF

Honorable Esther Salas, U.S.D.J.
United States District Court
District of New Jersey
50 Walnut Street
Newark, New Jersey 07102

Re: Federal Trade Commission v. Wyndham Worldwide Corporation, et al.
Civil Action No.: 13-cv-1887 (ES) (SCM)

Dear Judge Salas:

This firm, along with Kirkland & Ellis LLP and Ropes & Gray LLP, represents Wyndham Worldwide Corp., Wyndham Hotel Group, LLC, Wyndham Hotels and Resorts, LLC, and Wyndham Hotel Management, Inc. (collectively, "Defendants") in the above-referenced action.

As Your Honor may be aware, on April 26, 2013, Defendants moved to dismiss Plaintiff's Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). *See* ECF Nos. 91 & 92. Defendants' motions to dismiss have been thoroughly briefed and are pending disposition by this Court. While Defendants' Notice of Motion includes a formal request for oral argument, Defendants respectfully reiterate that request in this letter as Defendants believe oral argument is necessary for two fundamental reasons. First, Defendants' motions to dismiss present novel and complicated issues, the potentially far-reaching implications of which have generated the interest of a number of *amici curiae*. *See, e.g., Ricci v. Chi. Mercantile Exch.*, 447 F.2d 713, 720 n.18 (7th Cir. 1971) ("The complicated issues . . . that would be presented will require the benefit of brief[ing] and argument before any determination [should] be attempted."); *Giles v. Phelan, Hallinan & Schmief, L.L.P.*, No. 11-6239, 2013 U.S. Dist. LEXIS 78161, at *2 (D.N.J. June 4, 2013) ("The Court heard oral argument on May 14, 2013. . . . [because] [t]his case presents several novel issues in this Circuit . . ."). Second, oral argument will provide a forum for the parties to elaborate on and clarify arguments, which may, in turn, assist Your Honor with resolving any questions related to the substantial briefing before the Court.

For these reasons, Defendants respectfully request that the Court schedule oral argument on Defendants' motions to dismiss. We thank Your Honor for your consideration of this matter. Should the Court require further information, we are available at the Court's convenience.

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Respectfully,

s/ Jennifer A. Hradil

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