

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Grayscale Investments, LLC,)	
Petitioner,)	
v.)	No. 22-1142
Securities and Exchange Commission,)	
Respondent.)	

**Unopposed Motion of the Securities and Exchange Commission
for an Extension of the Parties' Briefing Schedule**

The petitioner has filed its opening brief in this matter and the response brief of the Securities and Exchange Commission is currently due on November 9, 2022. The Commission respectfully moves this Court for a 30-day extension of this filing deadline, such that the Commission's response brief would be due on Friday, December 9. Counsel for the Commission has consulted with counsel for the petitioner, who has no objection to this request so long as petitioner receives a 14-day extension to January 13, 2023 to file its reply brief. The Commission has no objection to such an extension of the reply deadline.

The Commission has not previously sought an extension and the case has not been expedited. The Commission is proceeding diligently in preparing its response but believes an extension is warranted for several reasons. This case

involves a petition for review from a final order of the Commission disapproving a proposal to list and trade bitcoin-related products on a national securities exchange.¹ The appeal has attracted substantial *amicus* attention, with five *amicus* briefs recently filed on behalf of the petitioner. An extension would allow time for sufficient consultation with the numerous internal stakeholders involved in the drafting process and assist the Commission in thoroughly addressing the complex issues raised in a manner most helpful to the Court.

In view of the foregoing, scheduling commitments attendant to the Thanksgiving holidays, as well as other active matters, an extension of the filing deadline would assist the Commission in preparing its response brief. Moreover, because this Court has not yet set a date for oral argument, granting the request for an extension will not require a postponement.

The Commission therefore requests (i) a 30-day extension of the deadline for filing its response brief, such that the brief would be due on December 9, 2022, and (ii) that petitioner's reply brief be due on January 13, 2023.

¹ See *Order Disapproving a Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of Grayscale Bitcoin Trust under NYSE Arca Rule 8.201-E (Commodity-Based Trust Shares)*, Release No. 34-95180 (June 29, 2022), 87 Fed. Reg. 40299 (July 6, 2022).

Respectfully submitted,

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