

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL ASSOCIATION OF BROADCASTERS)	
)	
Petitioners,)	
)	
v.)	Nos. 09-1080 & 09-1118
)	
FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA,)	
)	
Respondents.)	
)	

MOTION TO DISMISS PETITION FOR REVIEW

Pursuant to Federal Rule of Appellate Procedure 42(b), Petitioner National Association of Broadcasters (“NAB”) hereby moves to dismiss its petition for review in this case. NAB’s petition sought review of a 2008 order of Respondent Federal Communications Commission (“FCC”) governing the operation of unlicensed “TV band devices.” *See Unlicensed Operation in the TV Broadcast Bands*, Second Report and Order and Memorandum Opinion and Order, 23 FCC Rcd 16807 (2008) (“*Second Report and Order*”). This Court granted the FCC’s motion to hold NAB’s petition in abeyance pending the FCC’s review of petitions for reconsideration of its *Second Report and Order*. On April 5, 2012, the

FCC issued an order addressing the petitions for reconsideration. *See Unlicensed Operation in the TV Broadcast Bands*, Third Memorandum Opinion and Order, FCC 12-36 (rel. April 5, 2012) (“*Third Opinion and Order*”). NAB has reviewed the FCC’s *Third Opinion and Order* and determined that it is no longer necessary for it to pursue this petition for review. Accordingly, NAB hereby moves that the Court enter an order dismissing its petition for review, with each party to bear its own costs. The undersigned counsel is authorized to state that the FCC and United States have no objection to this motion or to the allocation of costs.

Respectfully submitted,

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May 3, 2012

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CERTIFICATE OF SERVICE

I, Robert A. Long, Jr., hereby certify that on May 3, 2012, I electronically filed the foregoing Motion to Dismiss Appeal with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

Some of the participants in the case, denoted with asterisks below, are not CM/ECF users. I certify further that I have directed that copies of the foregoing document be mailed by First-Class Mail to those persons, unless another attorney at the same mailing address is receiving electronic service.

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