

21-1333 GONZALEZ V. GOOGLE LLC

DECISION BELOW: 2 F.4th 871

LOWER COURT CASE NUMBER: 18-16700

QUESTION PRESENTED:

Section 230(c)(1) of the Communications Decency Act immunizes an "interactive computer service" (such as YouTube, Google, Facebook and Twitter) for "publish[ing] ... information provided by another" "information content provider" (such as someone who posts a video on YouTube or a statement on Facebook). This is the most recent of three court of appeals' decisions regarding whether section 230(c)(1) immunizes an interactive computer service when it makes targeted recommendations of information provided by such another party. Five courts of appeals judges have concluded that section 230(c)(1) creates such immunity. Three court of appeals judges have rejected such immunity. One appellate judge has concluded only that circuit precedent precludes liability for such recommendations.

The question presented is:

Does section 230(c)(1) immunize interactive computer services when they make targeted recommendations of information provided by another information content provider, or only limit the liability of interactive computer services when they engage in traditional editorial functions (such as deciding whether to display or withdraw) with regard to such information?

CERT. GRANTED 10/3/2022