

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina M. Khan, Chair**
 Rebecca Kelly Slaughter
 Alvaro M. Bedoya

In the Matter of

**Microsoft Corp.,
a corporation,**

and

**Activision Blizzard, Inc.,
a corporation.**

DOCKET NO. 9412

ORDER RETURNING MATTER TO ADJUDICATION

On December 8, 2022, the Commission issued an administrative complaint seeking to block the acquisition of Activision Blizzard, Inc. by Microsoft Corp. On June 12, 2023, Commission staff filed a Complaint in the United States District Court for the Northern District of California seeking to enjoin the transaction pending completion of the administrative proceeding. The district court held an evidentiary hearing and, on July 10, 2023, denied the request for preliminary injunction. *FTC v. Microsoft Corp.*, 2023 WL 4443412 (N.D. Cal. July 10, 2023). On July 12, 2023, the Commission noticed an appeal of the district court's decision, and briefing on the appeal is nearly complete.

On July 18, 2023, Respondents in the administrative proceeding filed a Motion to Withdraw This Proceeding from Adjudication. Pursuant to Rule 3.26(c) of the Commission Rules of Practice, 16 C.F.R. § 3.26(c) (2022), the matter was withdrawn from adjudication, and all proceedings before the Administrative Law Judge were stayed. *See* Order Withdrawing Matter from Adjudication Pursuant to Rule 3.26(c) of the Commission Rules of Practice (July 20, 2023). The Order was issued before the evidentiary hearing before the Administrative Law Judge was scheduled to begin on August 2, 2023.

The Commission has determined that the public interest warrants that this matter be resolved fully and expeditiously. Therefore, the Commission is returning this matter to adjudication.

The evidentiary hearing in this proceeding shall commence twenty one days after the United States Court of Appeals for the Ninth Circuit issues its opinion regarding the appeal of the district court decision on the requested preliminary injunction. Chief Administrative Law Judge D. Michael Chappell has determined that the evidentiary hearing will be conducted virtually. Pursuant to Commission Rule 3.41(a), 16 C.F.R. § 3.41(a), we have determined to make provision for appropriate public access.

Accordingly,

IT IS HEREBY ORDERED THAT this matter be returned to adjudicative status and the stay in this proceeding be lifted;

IT IS FURTHER ORDERED THAT the evidentiary hearing in this proceeding is hereby rescheduled to commence twenty one days after the issuance of the Ninth Circuit's opinion on the Commission's appeal of the district court decision in Federal Trade Commission v. Microsoft Corp.; and

IT IS FURTHER ORDERED THAT public access to the evidentiary hearing in this proceeding, to the extent consistent with the protection of confidential information and for monitoring purposes only, will be provided via telephone or live web streaming.

By the Commission.



April J. Tabor
Secretary



SEAL:
ISSUED: 9/26/2023