

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**Microsoft Corporation,
a corporation,**

and

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

DOCKET NO. 9412

**SECOND AGREED MOTION OF NON-PARTY GOOGLE LLC
FOR EXTENSION OF TIME TO MOVE TO LIMIT OR QUASH OR
OTHERWISE RESPOND TO SUBPOENA**

Non-party Google LLC (“Google”) moves pursuant to 16 C.F.R. § 3.34(c) for a 7-day extension of time, until March 9, 2023, to move to limit or quash, or otherwise respond to, the subpoena served on Google by Complaint Counsel on February 6, 2023 (the “Subpoena”). Complaint Counsel agrees to the relief requested in this motion.

Complaint Counsel served Google with the Subpoena on February 6, 2023, with a response date of February 27, 2023. On February 16, 2023, Google filed a first agreed motion for extension of time to move to limit or quash, or otherwise respond to, the Subpoena to March 2, 2023, which Your Honor granted.

Negotiations between Google and Complaint Counsel as to the scope of Google’s production are ongoing and productive. Google requests an extension of the deadline for Google to move to limit or quash the Subpoena so that Google and Complaint Counsel can continue negotiations and eliminate or narrow any issues that need to be presented to the Court for resolution.

Pursuant to the January 4, 2023 Scheduling Order, Complaint Counsel has until April 7, 2023, to complete fact discovery, and, therefore, Google does not believe the requested extension will delay the progress of these proceedings.

Google therefore respectfully requests that Your Honor grant the requested relief pursuant to 16 C.F.R. § 4.3(b), for good cause shown.

Dated: March 2, 2023.

Respectfully submitted,

/s/ Evan Miller

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**Microsoft Corporation,
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**[PROPOSED] ORDER GRANTING SECOND AGREED MOTION FOR EXTENSION
OF TIME TO MOVE TO LIMIT OR QUASH OR OTHERWISE RESPOND TO
SUBPOENA**

On March 2, 2023, non-party Google LLC (“Google”) filed a Second Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a subpoena (“Motion”) served by Complaint Counsel on February 6, 2023.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within the earlier of ten days of service of the subpoena or the time for compliance therewith. Google seeks a second extension of time in order to continue its negotiations with Complaint Counsel regarding the subpoena, thereby narrowing potential discovery disputes.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representations in the Motion, Google has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Google’s deadline for filing any motion to limit or quash the subpoena pursuant to Rule 3.34(c) is extended to March 9, 2023.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated: _____, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2023, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

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Federal Trade Commission
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The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm H-110
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I also certify that I caused the forgoing document to be served via email to:

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CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the original filing, and that I possess a paper original of the signed document that is available review by the parties and the adjudicator.

Dated: March 2, 2023

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