

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

In the Matter of

**Microsoft Corp.,
a corporation, and**

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

Respondents.

DOCKET NO. 9412

**AGREED MOTION OF NON-PARTY NINTENDO OF AMERICA INC.
FOR EXTENSION OF TIME TO MOVE TO LIMIT OR QUASH
OR OTHERWISE RESPOND TO SUBPOENA**

Non-party Nintendo of America Inc. (“NOA”) hereby moves pursuant to 16 C.F.R. § 3.34(c) (“Rule 3.34(c)”) for a ten-day extension of time to February 16, 2023, to move to limit or quash or otherwise respond to the subpoena served on NOA by Respondent Activision Corp. (“Activision”) on January 27, 2023 (the “Subpoena”). Activision agrees with the relief requested in this motion.

Activision served NOA with the Subpoena on January 27, 2023, with a response date of February 6, 2023. Pursuant to Rule 3.34(c), the deadline for NOA to move to limit or quash the Subpoena is February 6, 2023. Negotiations between NOA and Activision as to the scope of NOA’s production and a discovery schedule are ongoing. NOA requests an extension of the deadline for NOA to move to limit or quash or otherwise respond to the Subpoena so that NOA and Activision can continue to negotiate and thereby eliminate or narrow any issues that need to be presented to the Court for resolution.

Pursuant to the January 4, 2023, Scheduling Order, Activision has several months, until April 7, 2023, to complete fact discovery, and, therefore, NOA does not believe the requested extension of ten (10) days will delay the progress of these proceedings.

Through correspondence with Activision counsel, NOA understands that Activision agrees with the relief requested in this motion.

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

Dated: February 6, 2023

Respectfully submitted,

/s/ Leonard L. Gordon

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

On February 6, 2023, non-party Nintendo of America Inc. (“NOA”) filed an Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a Subpoena (“Motion”) served by Respondent Activision Blizzard, Inc. (“Activision”) on January 27, 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. NOA seeks an extension of time in order to continue its negotiations with Activision 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 representation in the Motion, NOA has demonstrated good cause for the requested extension.

Accordingly, the Motion is GRANTED and it is hereby ORDERED that NOA's deadline for filing any motion to limit or quash the subpoena pursuant to Rule 3.34(c) is extended to February 16, 2023.

ORDERED:

Date: February [], 2023

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February 2023, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm H-110
Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to:

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