

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

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In the Matter of	)	
	)	
Microsoft Corp.,	)	
a corporation, and	)	
	)	Docket No. 9412
Activision Blizzard, Inc.	)	
a corporation,	)	
	)	
Respondents.	)	

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**AGREED MOTION OF NON-PARTY TAKE-TWO INTERACTIVE SOFTWARE, INC.  
FOR EXTENSION OF TIME TO MOVE TO LIMIT OR QUASH  
OR OTHERWISE RESPOND TO SUBPOENA**

Non-party Take-Two Interactive Software, Inc. (“Take-Two”) hereby moves for an extension of time to March 3, 2023, to move to limit or quash or otherwise respond to the subpoena served on Take-Two by the United States of America Federal Trade Commission (“Complaint Counsel”) on February 13, 2023 (the “Subpoena”). Complaint Counsel agrees with the relief requested in this motion.

Complaint Counsel served Take-Two with the Subpoena on February 13, 2023, with a production date of March 3, 2023. Pursuant to 16 C.F.R. § 3.34(c), Take-Two must move to limit or quash the Subpoena within ten days of the date of service. Therefore, the current deadline for Take-Two to move to limit or quash the Subpoena is February 23, 2023.

Negotiations between Take-Two and Complaint Counsel as to the scope of Take-Two’s production and a discovery schedule are ongoing. Take-Two requests an extension of the deadline for Take-Two to move to limit or quash or otherwise respond to the Subpoena pursuant

to 16 C.F.R. § 3.34(c) so Take-Two and Complaint Counsel 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, Complaint Counsel has until April 7, 2023, to complete fact discovery, and, therefore, Take-Two does not believe the requested extension to March 3 will delay the progress of these proceedings.

Through correspondence with Complaint Counsel, Take-Two understands that Complaint Counsel agrees with the relief requested in this motion.

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

Dated: February 22, 2023

Respectfully submitted,

AXINN, VELTROP & HARKRIDER LLP

*/s/ James W. Attridge*

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Software, Inc.*

**UNITED STATES OF AMERICA  
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Docket No. 9412

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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 22, 2023, non-party Take-Two Interactive Software, Inc. (“Take-Two”) filed an Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a Subpoena (“Motion”) served by the United States of America Federal Trade Commission (“Complaint Counsel”) on February 13, 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. Take-Two states that it seeks an 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, Take-Two has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is

hereby ORDERED Take-Two’s deadline for filing any motion to limit or quash or otherwise respond to the subpoena pursuant to Rule 3.34(c) is extended to March 3, 2023.

ORDERED:

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D. Michael Chappell  
Chief Administrative Law Judge

Dated: \_\_\_\_\_, 2023.

**CERTIFICATE OF SERVICE**

I hereby certify that on February 22, 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  
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The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, D.C. 20580  
[OALJ@ftc.com](mailto:OALJ@ftc.com)

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

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Dated: February 22, 2023

Respectfully submitted,

*/s/ James W. Attridge*

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James W. Attridge

*Counsel for Non-Party Take-Two Interactive  
Software, Inc.*

## **CERTIFICATE OF 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 for review by the parties and the adjudicator.

Dated: February 22, 2023

Respectfully submitted,

*/s/ James W. Attridge*

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