

**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**

**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 ten-day extension of time, until February 17, 2023, to move to limit or quash the subpoena served on Google by Microsoft Corporation (“Microsoft”) on January 31, 2023 (the “Subpoena”). Microsoft agrees to the relief requested in this motion.

Microsoft served Google with the Subpoena on the evening of January 31, 2023, with a response date of February 7, 2023. Pursuant to Rule 3.34(c), the deadline for Google to limit or quash the Subpoena was February 7, 2023.<sup>1</sup>

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

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<sup>1</sup> Google originally submitted this Motion on February 7, 2023 through the Federal Trade Commission’s (“FTC”) e-filing system, and properly served complaint counsel and respondents’ counsel via email. Due to an error, the FTC’s Office of the Secretary did not receive a courtesy copy of the filing and requested that Google re-file its motion on February 8, 2023. The Office of the Secretary agreed that it would accept this Motion as timely.

Pursuant to the January 4, 2023 Scheduling Order, Microsoft 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: February 8, 2023.

Respectfully submitted,

/s/ Evan Miller

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**In the Matter of**

**Microsoft Corporation,  
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**DOCKET NO. 9412**

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

On February 8, 2023, non-party Google LLC (“Google”) filed an Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a subpoena (“Motion”) served by Respondent Microsoft Corporation (“Microsoft”) on January 31, 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 an extension of time in order to continue its negotiations with Microsoft 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 February 17, 2023.

ORDERED:

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D. Michael Chappell  
Chief Administrative Law Judge

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

**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 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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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 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 for review by the parties and the adjudicator.

Dated: February 8, 2023

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