

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

In the Matter of

**Microsoft Corp.
a corporation;**

and

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

Docket No. 9412

**RESPONDENTS' NOTICE OF OPPOSITION TO COMPLAINT COUNSEL'S
REQUEST FOR EXPEDITED BRIEFING**

Earlier today, Complaint Counsel filed a Motion to Extend Fact Discovery and Request for Expedited Briefing (“the Motion”). Respondents Microsoft Corp. and Activision Blizzard, Inc. intend to oppose the Motion, which conspicuously omits any mention of the reasonable and comprehensive discovery Respondents offered to Complaint Counsel in an effort to resolve this dispute without burdening the Court. As Respondents intend to explain, there is no basis for the further burdensome and unnecessary discovery Complaint Counsel are seeking, apparently in a misguided effort to find additional support for theories of harm that have already been rejected after a five-day evidentiary hearing in federal court.

Respondents file this response to address Complaint Counsel’s separate, baseless request for expedited briefing and an expedited ruling on its Motion. In the ordinary course, Respondents’ opposition would be due on October 20, 2023, and the Court’s ruling would be issued no later than November 3. Complaint Counsel’s Motion offers no explanation for departing from these established procedures. The Motion provides no suggestion of what the alternative deadlines should be, or what emergency justifies an alteration in the first place.

None exists. As the Court is aware, the hearing in this matter is not set to commence until at least 21 days after the Ninth Circuit's decision on Complaint Counsel's appeal of the district court's denial of their request for a preliminary injunction. That appeal will not be argued until December 6. Accordingly, if the Court hears this dispute in the ordinary course, there will be sufficient time for the eight-week discovery period Complaint Counsel has requested.

Accordingly, Respondents oppose Complaint Counsel's request for expedited briefing and disposition of its Motion to Extend Fact Discovery, and ask the Court to permit Respondents to file their response in the normal course by October 20, 2023.

Dated: October 10, 2023

Respectfully submitted,

By: /s/ Steven C. Sunshine

By: /s/ Beth Wilkinson

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2023, I caused a true and correct copy of the foregoing to be filed electronically using the FTC's E-Filing System and served the following via email:

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

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