

**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' CONSENT MOTION FOR EXTENSION OF TIME TO FILE A
RESPONSE TO COMPLAINT COUNSEL'S MOTION TO COMPEL**

Pursuant to 16 C.F.R. § 3.38(a), Respondents, Microsoft Corp. (“Microsoft”) and its subsidiary, Activision Blizzard, Inc. (“Activision”), hereby move for a two business-day extension, to January 2, 2024, to respond to Complaint Counsel’s Motion to Compel Discovery Responses from Respondents (“Motion to Compel”). Complaint Counsel agrees with the relief requested in this Motion.

Complaint Counsel served Microsoft and Activision with the Motion to Compel on December 20, 2023. Considering the federal holiday on Monday, December 25, 2023, the deadline for Microsoft and Activision to respond to the Motion to Compel is next Thursday, December 28, 2023. The Court’s ruling on the Motion to Compel, considering the second federal holiday on Monday, January 1, 2024, is then Wednesday, January 3, 2024. *See* 16 C.F.R. § 3.38(a).

A brief extension of the deadline would avoid burdening Respondents and the Court over two federal holidays. Because Complaint Counsel’s contentions relate to corporate decision-making, responding to the Motion to Compel by December 28 would require Microsoft and Activision personnel to review numerous documents over the Christmas holiday. The Court would then be

burdened with reviewing the Motion to Compel and the response thereto over the New Year's holiday. An extension of Microsoft and Activision's time to respond, until January 2, 2024, eliminates both unnecessary burdens.

Moreover, the extension will not impact two upcoming corporate depositions or otherwise impact the case schedule. Under applicable rules, the Court's order would be issued on January 5, 2024. § 3.38(a). The depositions are not scheduled to occur until after that date. Microsoft's corporate deposition is scheduled for January 17, 2024, and Activision's corporate deposition is scheduled for January 10, 2024. Activision has additionally offered to reschedule its corporate deposition in late January or early February to allow additional time after the Court has ruled.

WHEREFORE, for good cause shown, Microsoft and Activision respectfully request that Your Honor grant the requested relief pursuant to 16 C.F.R. § 3.38(a).

Dated: December 21, 2023

Respectfully submitted,

By: /s/ Steven C. Sunshine

By: /s/ Beth Wilkinson

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CERTIFICATE OF SERVICE

I hereby certify that on December 21, 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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The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
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I also certify that I caused the forgoing document to be served via email to:

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**[PROPOSED] ORDER GRANTING RESPONDENTS' CONSENT MOTION FOR
EXTENSION OF TIME TO FILE A RESPONSE TO COMPLAINT COUNSEL'S
MOTION TO COMPEL**

Upon consideration of Microsoft Corp.'s, and its subsidiary, Activision Blizzard, Inc. (hereinafter "Respondents")'s Consent Motion for Extension of Time to File a Response to Complaint Counsel's Motion to Compel, it is hereby ORDERED that said Motion is GRANTED. Accordingly, Respondents shall file a Response to Complaint Counsel's Motion to Compel on or before Tuesday, January 2, 2024.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: