

**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

**THIRD AGREED MOTION OF NON-PARTY SONY INTERACTIVE
ENTERTAINMENT LLC FOR EXTENSION OF TIME TO MOVE TO LIMIT OR
QUASH OR OTHERWISE RESPOND TO SUBPOENA**

Non-party Sony Interactive Entertainment LLC (“SIE”) hereby moves for a two-day extension of time to February 3, 2023, to move to limit or quash or otherwise respond to the subpoena served on SIE by Respondent Microsoft Corp. (“Microsoft”) on January 17, 2023 (the “Subpoena”). Microsoft agrees with the relief requested in this motion.

Microsoft served SIE with the Subpoena on January 17, 2023, with a response date of January 20, 2023. SIE filed two timely agreed motions for extension of time to move to limit or quash or otherwise respond to the Subpoena, which this Court granted on January 23, 2023 and January 27, 2023. As a result, pursuant to the Court’s orders, the current deadline for SIE to move to limit or quash the Subpoena is today, February 1, 2023.

Negotiations between SIE and Microsoft as to the scope of SIE’s production and a discovery schedule continue to progress yet remain ongoing. SIE requests an extension of the deadline for SIE to move to limit or quash or otherwise respond to the Subpoena pursuant to 16

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C.F.R. § 3.34(c) so that SIE and Microsoft 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, Microsoft has until April 7, 2023, to complete fact discovery, and, therefore, SIE does not believe the requested extension of two days will delay the progress of these proceedings.

Through correspondence with Microsoft counsel, SIE understands that Microsoft agrees with the relief requested in this motion.

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

Dated: February 1, 2023

Respectfully submitted,

/s/ Isabel Tuz

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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 1, 2023, non-party Sony Interactive Entertainment LLC (“SIE”) filed a Third Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a subpoena (“Motion”) served by Respondent Microsoft Corp. (“Microsoft”) on January 17, 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. SIE states that it seeks a third 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 representation in the Motion, SIE has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that SIE’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 February 3, 2023.

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ORDERED:

Date: February [], 2023

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2023, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

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

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