

**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

**SECOND 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 five-day extension of time to February 1, 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 a timely agreed motion for extension of time to move to limit or quash or otherwise respond to the Subpoena, which this Court granted on January 23, 2023. As a result, pursuant to the Court’s order, the current deadline for SIE to move to limit or quash the Subpoena is tomorrow, January 27, 2023.

Negotiations between SIE and Microsoft as to the scope of SIE’s production and a discovery schedule are progressing yet 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 C.F.R. §

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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 several months, until April 7, 2023, to complete fact discovery, and, therefore, SIE does not believe the requested extension of five 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: January 26, 2023

Respectfully submitted,

/s/ Everett K. Coraor

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In the Matter of

**Microsoft Corp.,
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a corporation,**

Respondents.

DOCKET NO. 9412

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

On January 26, 2023, non-party Sony Interactive Entertainment LLC (“SIE”) filed a Second 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 second 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 1, 2023.

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ORDERED:

Date: January [], 2023

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 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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The Honorable D. Michael Chappell
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I also certify that I caused the foregoing 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: January 26, 2023

/s/ Everett K. Coraor

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