

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

In the Matter of)
)
Microsoft Corp.,)
a corporation, and)
) Docket No. 9412
Activision Blizzard, Inc.)
a corporation,)
)
Respondents.)
)

**AGREED MOTION OF NON-PARTY TAKE-TWO INTERACTIVE SOFTWARE, INC.
FOR EXTENSION OF TIME TO MOVE TO LIMIT OR QUASH
OR OTHERWISE RESPOND TO SUBPOENA**

Non-party Take-Two Interactive Software, Inc. (“Take-Two”) hereby moves for an extension of time to March 20, 2023, to move to limit or quash or otherwise respond to the subpoena served on Take-Two by Respondent Activision Blizzard, Inc. (“Activision”) on February 24, 2023 (the “Subpoena”). Activision agrees with the relief requested in this motion.

Activision served Take-Two with the Subpoena on February 24, 2023, with a production date of March 6, 2023. Pursuant to 16 C.F.R. § 3.34(c), Take-Two must move to limit or quash the Subpoena within ten days of the date of service or the time of compliance. Therefore, the current deadline for Take-Two to move to limit or quash the Subpoena is March 6, 2023.

Negotiations between Take-Two and Activision as to the scope of Take-Two’s production and a discovery schedule are ongoing. Take-Two requests an extension of the deadline for Take-Two to move to limit or quash or otherwise respond to the Subpoena pursuant to 16 C.F.R. § 3.34(c) so Take-Two and Activision 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, Activision has until April 7, 2023, to complete fact discovery, and, therefore, Take-Two does not believe the requested extension to March 20 will delay the progress of these proceedings.

Through correspondence with Activision, Take-Two understands that Activision agrees with the relief requested in this motion.

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

Dated: March 3, 2023

Respectfully submitted,

AXINN, VELTROP & HARKRIDER LLP

/s/ James W. Attridge

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Software, Inc.*

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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 24, 2023, non-party Take-Two Interactive Software, Inc. (“Take-Two”) filed an Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a Subpoena (“Motion”) served by Respondent Activision Blizzard, Inc. (“Activision”) on February 24, 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. Take-Two states that it seeks an extension of time in order to continue its negotiations with Activision 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, Take-Two has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is

hereby ORDERED Take-Two'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 March 20, 2023.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated: _____, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 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
Administrative Law Judge
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I also certify that I caused the foregoing document to be served via email to:

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Dated: March 3, 2023

Respectfully submitted,

/s/ James W. Attridge

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*Counsel for Non-Party Take-Two Interactive
Software, Inc.*

CERTIFICATE OF 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: March 3, 2023

Respectfully submitted,

/s/ James W. Attridge

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