

**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.)
)
)

THIRD 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 the United States of America Federal Trade Commission (“Complaint Counsel”) on February 13, 2023 (the “Subpoena”). Complaint Counsel agrees with the relief requested in this motion.

Complaint Counsel served Take-Two with the Subpoena on February 13, 2023, with a production date of March 6, 2023. Take-Two filed a timely agreed motion for an extension of time to move to limit or quash or otherwise respond to the Subpoena to March 3, 2023, which Your Honor granted on February 23, 2023. Take-Two timely filed a second agreed motion for an extension of time to move to limit or quash or otherwise respond to the Subpoena to March 10, 2023, which Your Honor granted on March 3, 2023.

Negotiations between Take-Two and Complaint Counsel as to the scope of Take-Two’s production are productive and ongoing. Take-Two requests an extension of the deadline for

Take-Two to move to limit or quash or otherwise respond to the Subpoena so that Take-Two and Complaint Counsel can continue negotiations and eliminate or narrow any issues that need to be presented to the Court for resolution.

Pursuant to the January 4, 2023 Scheduling Order, Complaint Counsel has until April 7, 2023 to complete fact discovery, and, therefore, Take-Two does not believe the requested extension will delay the progress of these proceedings.

Through correspondence with Complaint Counsel, Take-Two understands that Complaint Counsel 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 9, 2023

Respectfully submitted,

AXINN, VELTROP & HARKRIDER LLP

/s/ James W. Attridge

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

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Docket No. 9412

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

On March 9, 2023, non-party Take-Two Interactive Software, Inc. (“Take-Two”) filed a Third Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a Subpoena (“Motion”) served by the United States of America Federal Trade Commission (“Complaint Counsel”) on February 13, 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 a third extension of time in order to continue its negotiations with Complaint Counsel 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 9, 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
Federal Trade Commission
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OALJ@ftc.com

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

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Dated: March 9, 2023

Respectfully submitted,

/s/ James W. Attridge

James W. Attridge

*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 9, 2023

Respectfully submitted,

/s/ James W. Attridge

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