

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

In the Matter of

**Microsoft Corporation,
a corporation,**

and

**Activision Blizzard, Inc.,
a corporation.**

DOCKET NO. 9412

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

Non-party Google LLC (“Google”) moves pursuant to 16 C.F.R. § 3.34(c) for a seven-day extension of time, until March 3, 2023, to move to limit or quash or otherwise respond to the subpoena served on Google by Microsoft Corporation (“Microsoft”) on January 31, 2023 (the “Subpoena”). Microsoft agrees to the relief requested in this motion.

Microsoft served Google with the Subpoena on the evening of January 31, 2023, with a response date of February 7, 2023. Google filed a timely agreed motion to extend its time to move to limit or quash or otherwise respond to the Subpoena to February 17, 2023, which Your Honor granted. Google filed a second timely agreed motion to extend its time to move to limit or quash or otherwise respond to Microsoft’s subpoena to February 24, 2023, which Your Honor also granted.

Negotiations between Google and Microsoft as to the scope of Google’s production are productive and ongoing. Google requests an extension of the deadline for Google to move to limit or quash or otherwise respond to the Subpoena so that Google and Microsoft 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, Microsoft has until April 7, 2023, to complete fact discovery, and, therefore, Google does not believe the requested extension will delay the progress of these proceedings.

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

Dated: February 24, 2023.

Respectfully submitted,

/s/ Evan Miller

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

On February 24, 2023, non-party Google LLC (“Google”) 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 Corporation (“Microsoft”) on January 31, 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. Google seeks an 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 representations in the Motion, Google has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Google’s deadline for filing any motion to limit or quash the subpoena pursuant to Rule 3.34(c) is extended to March 3, 2023.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated: _____, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 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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Federal Trade Commission
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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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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: February 24, 2023

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