

**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**

**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 pursuant to 16 C.F.R. § 3.34(c) (“Rule 3.34(c)”) for a one-week extension of time to January 27, 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.<sup>1</sup> As a result, pursuant to Rule 3.34(c), the deadline for SIE to move to limit or quash the Subpoena is today, January 20, 2023.

Negotiations between SIE and Microsoft as to the scope of SIE’s production and a discovery schedule are ongoing. SIE requests an extension of the deadline for SIE to move to

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<sup>1</sup> Microsoft provided a nearly-identical version of the subpoena to SIE on January 12, 2023, but did not name the proper subpoena recipient nor serve the subpoena properly. SIE explained this to Microsoft, which revised the subpoena and served it to SIE on January 17, keeping the original January 20 return date. But even the earlier subpoena (had it been properly served) would have allowed SIE only eight calendar days to move to quash or respond.

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limit or quash or otherwise respond to the Subpoena 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 one week 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 20, 2022

Respectfully submitted,

*/s/ Everett K. Coraor*

Everett K. Coraor (ecoraor@cgsh.com)  
D. Bruce Hoffman (bhoffman@cgsh.com)  
Leah Brannon (lbrannon@cgsh.com)  
Isabel Tuz (ituz@cgsh.com)  
2112 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037  
T: +1 202 974 1500

CLEARY GOTTlieb STEEN & HAMILTON LLP

*Counsel for Non-Party Sony Interactive  
Entertainment LLC*

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**In the Matter of**

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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 January 20, 2023, non-party Sony Interactive Entertainment LLC (“SIE”) filed an 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 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 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 January 27, 2023.

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ORDERED:

Date: January [ ], 2023

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D. Michael Chappell  
Chief Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 20, 2023, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

April Tabor  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, D.C. 20580  
[ElectronicFilings@ftc.gov](mailto:ElectronicFilings@ftc.gov)

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW., Rm. H-110  
Washington, D.C. 20580  
[OALJ@ftc.com](mailto:OALJ@ftc.com)

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

**Complaint Counsel**

James Weingarten  
James Abell  
Meredith Levert  
Jennifer Fleury  
Cem Akleman  
Taylor Alexander  
Amanda Butler  
Merrick Pastore  
Nicole Callan  
Ethan Gurwitz  
Maria Cirincione  
James Gossmann  
Stephen Santulli  
Edmund Saw  
Michael A. Franchak  
Peggy Bayer Femenella  
Kassandra DiPietro  
Justin Alexander Ansaldo  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580  
(202) 326-2289  
[jweingarten@ftc.gov](mailto:jweingarten@ftc.gov)  
[jabell@ftc.gov](mailto:jabell@ftc.gov)

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mlevert@ftc.gov  
jfleury@ftc.gov  
cakleman@ftc.gov  
talAlexander@ftc.gov  
abutler2@ftc.gov  
mpastore@ftc.gov  
ncallan@ftc.gov  
egurwitz@ftc.gov  
mcirincione@ftc.gov  
jgossmann@ftc.gov  
ssantulli@ftc.gov  
esaw@ftc.gov  
mfranchak@ftc.gov  
pbayerfemenella@ftc.gov  
kdipietro@ftc.gov  
jansaldo@ftc.gov

**Counsel for Respondent Microsoft Corp.**

Beth Wilkinson  
Rakesh N. Kilaru  
Kieran Gostin  
Grace L. Hill  
Anastasia M. Pastan  
Alysha Bohanon  
Sarah E. Neuman  
Wilkinson Stekloff LLP  
2001 M Street, NW  
Washington, D.C. 20036  
(202) 847-4010  
bwilkinsonstekloff.com  
rkilaru@wilkinsonstekloff.com  
kgostin@wilkinsonstekloff.com  
ghill@wilkinsonstekloff.com  
apastan@wilkinsonstekloff.com  
abohanon@wilkinsonstekloff.com  
sneuman@wilkinsonstekloff.com

Michael Moiseyev  
Megan Granger  
Weil, Gotshal & Manges LLP  
2001 M Street, NW  
Washington, D.C. 20036  
(202) 682-7235  
michael.moiseyev@weil.com  
megan.granger@weil.com

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**Counsel for Respondent Activision-Blizzard, Inc.**

Steven C. Sunshine  
Julia K. York  
Jessica R. Watters  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 271-7860  
steve.sunshine@skadden.com  
julia.york@skadden.com  
jessica.watters@skadden.com

Maria A. Raptis  
Michael J. Sheerin  
Evan R. Kreiner  
Andrew D. Kabbes  
Bradley J. Pierson  
Matthew M. Martino  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Manhattan West  
New York, NY 10001  
(212) 735-2425  
maria.raptis@skadden.com  
michael.sheerin@skadden.com  
evan.kreiner@skadden.com  
andrew.kabbes@skadden.com  
bradley.pierson@skadden.com  
matthew.martino@skadden.com

Respectfully submitted,

*/s/ Everett K. Coraor*

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Everett K. Coraor (ecoraor@cgsh.com)  
D. Bruce Hoffman (bhoffman@cgsh.com)  
Leah Brannon (lbrannon@cgsh.com)  
Isabel Tuz (ituz@cgsh.com)  
2112 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037  
T: +1 202 974 1500

CLEARY GOTTlieb STEEN & HAMILTON LLP

*Counsel for Non-Party Sony Interactive  
Entertainment LLC*

### 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 20, 2023

*/s/ Everett K. Coraor*

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Everett K. Coraor (ecoraor@cgsh.com)

D. Bruce Hoffman (bhoffman@cgsh.com)

Leah Brannon (lbrannon@cgsh.com)

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