

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.)	
_____)	

**ORDER DENYING COMPLAINT COUNSEL’S REQUEST
FOR EXPEDITED BRIEFING AND RULING**

I.

On October 10, 2023, Federal Trade Commission (“FTC”) Complaint Counsel filed a motion seeking to extend the fact discovery deadline in this case (“Motion”), together with a request to expedite the deadlines for briefing and ruling on the Motion. That same day, Respondents Microsoft Corporation and Activision Blizzard, Inc. (“Respondents”) filed an opposition to Complaint Counsel’s request to expedite. For the reasons set forth below, Complaint Counsel’s request to expedite is DENIED.

II.

FTC Rule of Practice 3.22 provides that responses to a motion are due within 10 days of service of the motion. 16 C.F.R. § 3.22(d). A ruling on a motion is then due within 14 days after the response is filed. 16 C.F.R. § 3.22(e). Under Rule 4.3(b), the Administrative Law Judge can shorten these time periods for good cause shown. 16 C.F.R. § 4.3(b).

Complaint Counsel fails to articulate any reason for expediting the time for Respondents to file a response to the Motion or for issuing a ruling. Moreover, the record does not reveal good cause for shortening the applicable time periods. Complaint Counsel’s complaint for a preliminary injunction against Respondents’ planned merger, filed in the United States District Court for the Northern District of California, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), was denied on July 10, 2023 and the case is presently on appeal to the Ninth Circuit Court of Appeals. By order of the Commission issued on September 26, 2023, the evidentiary hearing in the instant case is not set to commence until 21 days after the Ninth

Circuit issues its decision. Oral argument on the appeal is not set to take place until December 6, 2023. Based on the foregoing, Complaint Counsel has failed to demonstrate good cause to expedite briefing or a ruling with respect to the Motion. Accordingly, Complaint Counsel's request to expedite is DENIED.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: October 11, 2023