

PUBLIC

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

In the Matter of

**Microsoft Corp.,
a corporation;**

and

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

DOCKET NO. 9412

**SECOND AGREED MOTION OF NON-PARTY VALVE CORPORATION
FOR EXTENSION OF TIME TO MOVE TO LIMIT OR QUASH OR
OTHERWISE RESPOND TO SUBPOENA**

Non-party Valve Corporation (“Valve”) moves pursuant to 16 C.F.R. § 3.34(c) for a seven-day extension of time, until March 6, 2023, to move to limit or quash the subpoena served by the Federal Trade Commission (“FTC”) on February 7, 2023 (the “Subpoena”). The FTC agrees to the relief requested in this motion.

The FTC served Valve with the Subpoena on February 7, 2023, with a response date of February 28, 2023. Pursuant to Rule 3.34(c), the original deadline for Valve to limit or quash the Subpoena was February 17, 2023. On February 17, 2023, Valve filed, and the Court granted, an Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to Subpoena that extended the deadline for Valve to move to limit or quash the Subpoena to February 27, 2023.

Negotiations between Valve and the FTC as to the scope, relevancy and/or necessity of the Subpoena are productive and still ongoing. Valve requests an additional extension of the deadline for Valve to move to limit or quash the Subpoena so that Valve and the FTC can continue negotiations and eliminate or narrow any issues that need to be presented to the Court for resolution.

PUBLIC

Pursuant to the January 4, 2023, Scheduling Order, the FTC has until April 7, 2023, to complete fact discovery, and therefore, Valve does not believe the additional requested extension will delay the progress of these proceedings.

Valve 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 27, 2023

By: /s/ Kristen Ward Broz
Kristen Ward Broz
FOX ROTHSCHILD LLP
2020 K Street, N.W., Suite 500
Washington, D.C. 20006
Telephone: (202) 461-3100
Facsimile: (202) 461-3102
Email: KBroz@foxrothschild.com

Attorneys for Non-Party Valve Corporation

PUBLIC

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

In the Matter of

**Microsoft Corp.,
a corporation;**

and

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

DOCKET NO. 9412

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

On February 27, 2023, non-party Valve Corporation (“Valve”) filed a Second Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a Subpoena (“Motion”) served by the Federal Trade Commission (“FTC”) on February 7, 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. Valve seeks an additional extension of time in order to continue negotiations with the FTC 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, Valve has demonstrated good cause for the requested extension.

PUBLIC

Accordingly, the Motion is GRANTED and it is hereby ORDERED that Valve’s deadline for filing any motion to limit or quash the subpoena pursuant to Rule 3.34(c) is extended to March 6, 2023.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: _____, 2023

PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of February 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, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm H-110
Washington, DC 20580

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

Complaint Counsel

James H. Weingarten (jweingarten@ftc.gov)
James Abell (jabell@ftc.gov)
Cem Akleman (cakleman@ftc.gov)
Taylor Alexander (talexander@ftc.gov)
J. Alexander Ansaldo (jansaldo@ftc.gov)
Peggy Bayer Femenella (pbayerfemenella@ftc.gov)
Michael T. Blevins (mblevins@ftc.gov)
Amanda L. Butler (abutler2@ftc.gov)
Nicole Callan (ncallan@ftc.gov)
Maria Cirincione (mcirincione@ftc.gov)
Kassandra DiPietro (kdipietro@ftc.gov)
Jennifer Fleury (jfleury@ftc.gov)
Michael A. Franchak (mfranchak@ftc.gov)
James Gossmann (jgossmann@ftc.gov)
Ethan Gurwitz (egurwitz@ftc.gov)
Meredith Levert (mlevert@ftc.gov)
Merrick Pastore (mpastore@ftc.gov)
Stephen Santulli (ssantulli@ftc.gov)
Edmund Saw (esaw@ftc.gov)
David E. Morris (dmorris1@ftc.gov)
U.S. Federal Trade Commission
600 Pennsylvania Ave., N.W.
Washington, DC 20580
(202) 326-3570

Counsel for Respondent Activision-Blizzard, Inc.

Steven C. Sunshine (steve.sunshine@skadden.com)
Julia K. York (julia.york@skadden.com)
Jessica R. Watters (jessica.watters@skadden.com)

PUBLIC

Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 271-7860

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

Counsel for Respondent Microsoft Corp.

Beth Wilkinson (bwilkinson@wilkinsonstekloff.com)
Rakesh Kilaru (rkilaru@wilkinsonstekloff.com)
Alysha Bohanon (abohanon@wilkinsonstekloff.com)
Anastasia Pastan (apastan@wilkinsonstekloff.com)
Grace Hill (ghill@wilkinsonstekloff.com)
Sarah Neuman (sneuman@wilkinsonstekloff.com)
Wilkinson Stekloff LLP
2001 M Street, NW
Washington, DC 20036
(202) 847-4010

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

/s/ Kristen Ward Broz
Kristen Ward Broz
FOX ROTHSCHILD LLP
2020 K Street, N.W., Suite 500
Washington, D.C. 20006
Telephone: (202) 461-3100
Facsimile: (202) 461-3102
Email: KBroz@foxrothschild.com

Attorneys For Non-Party Valve Corporation

PUBLIC

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 27, 2023

By: /s/ Kristen Ward Broz
Kristen Ward Broz
FOX ROTHSCHILD LLP
2020 K Street, N.W., Suite 500
Washington, D.C. 20006
Telephone: (202) 461-3100
Facsimile: (202) 461-3102
Email: KBroz@foxrothschild.com

Attorneys For Non-Party Valve Corporation