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21 [Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

22 Attorneys for Plaintiff Federal Trade Commission

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**MICROSOFT CORP.**

and

**ACTIVISION BLIZZARD, INC.,**

Defendants.

Case No. 3:23-cv-2880-JSC

**PLAINTIFF FEDERAL TRADE  
COMMISSION'S NOTICE OF INTENT  
TO OPPOSE DEFENDANTS' MOTION  
FOR EXPEDITED CASE  
MANAGEMENT CONFERENCE**

1 Plaintiff Federal Trade Commission respectfully submits this Notice that it intends to  
2 file an opposition to Defendants’ Motion for Expedited Case Management Conference (the  
3 “Motion”). Plaintiff is filing this Notice for two reasons:

4 *First*, Defendants’ request relief that would require the parties to file a “joint case  
5 management statement” with the Court today. Mot. at 12 (Proposed Order). Plaintiff  
6 respectfully requests the opportunity to respond if the Court is inclined to grant any part of  
7 Defendants’ Motion.

8 *Second*, and relatedly, Defendants failed to comply with Local Rule 16-2(d)(2) before filing  
9 their Motion. Plaintiff first received notice of the relief Defendants request in the Motion when  
10 the Motion was filed and served via ECF. This further prejudices Plaintiff’s ability to respond to  
11 a Motion seeking relief the same day it was filed. Defendants’ statement that “Plaintiff Federal  
12 Trade Commission has declined to join a request for an expedited Initial Case Management  
13 Conference,” Mot. at 8, is incorrect in suggesting that the parties conferred about the Motion.  
14 On Tuesday, June 13, before the Court issued its Order granting a temporary restraining order  
15 and setting the hearing for June 22-23 (Dkt. No. 37), Defendants provided Plaintiff a draft joint  
16 motion for an expedited case management conference that was very different from the Motion  
17 filed today. *See* Fleury Decl. at Ex. A. Plaintiff declined to join that draft motion. *See* Fleury  
18 Decl. at Ex. B. Defendants have not communicated with Plaintiff since the Court issued its  
19 Order of June 13 and never sought to meet and confer with Plaintiff about the relief requested in  
20 the Motion filed today.

21 Plaintiff intends to file an opposition to the Motion by 2:00 p.m. Pacific Time tomorrow,  
22 June 15, 2023. Plaintiff needs that time to respond to the substance of the Motion, not least  
23 Defendants’ claim that “time is of the essence” because the deal “has a termination of date of  
24 July 18,” which ignores the fact that the United Kingdom Competition and Markets Authority  
25 has issued orders barring the transaction. Mot. at 3. Plaintiff’s counsel is available for a  
26 conference with the Court at the Court’s convenience.

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Dated: June 14, 2023

Respectfully submitted,

/s/ James H. Weingarten

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