

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 23-15992		Docketed: 07/13/2023	
Nature of Suit: 1410 Antitrust FTC v. Microsoft Corporation, et al			
Appeal From: U.S. District Court for Northern California, San Francisco			
Fee Status: USA - No Fee Req			
Case Type Information:			
1) civil			
2) united states			
3) null			
Originating Court Information:			
District: 0971-3 : 3:23-cv-02880-JSC			
Court Reporter: Richard John Duvall, Court Reporter Supervisor			
Trial Judge: Jacqueline Scott Corley, District Judge			
Date Filed: 06/12/2023			
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
07/10/2023	07/11/2023	07/12/2023	07/12/2023
Prior Cases:			
None			
Current Cases:			
	Lead	Member	Start
Related	23-15846	23-15992	07/13/2023

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<p>FEDERAL TRADE COMMISSION,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MICROSOFT CORPORATION; ACTIVISION BLIZZARD, INC.,</p> <p>Defendants - Appellees.</p>

07/13/2023	<input type="checkbox"/> 1 26 pg, 1.07 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: To be set. Preliminary Injunction Appeal, C.R. 3-3. [12754324] (JBS) [Entered: 07/13/2023 09:29 AM]
07/13/2023	<input type="checkbox"/> 2	Filed (ECF) notice of appearance of Anastasia M. Pastan (WILKINSON STEKLOFF LLP 2001 M Street, N.W., 10th Floor Washington, D.C. 20036) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754583] [23-15992] (Pastan, Anastasia) [Entered: 07/13/2023 11:34 AM]
07/13/2023	<input type="checkbox"/> 3	Filed (ECF) notice of appearance of Beth Ann Wilkinson (WILKINSON STEKLOFF LLP 2001 M Street, N.W., 10th Floor Washington, D.C. 20036) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754622] [23-15992] (Wilkinson, Beth) [Entered: 07/13/2023 11:54 AM]
07/13/2023	<input type="checkbox"/> 4	Filed (ECF) notice of appearance of Rakesh N. Kilaru (WILKINSON STEKLOFF LLP 2001 M Street, N.W., 10th Floor Washington, D.C. 20036) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754637] [23-15992] (Kilaru, Rakesh) [Entered: 07/13/2023 12:00 PM]
07/13/2023	<input type="checkbox"/> 5	Filed (ECF) notice of appearance of William Ranney Levi (Sidley Austin LLP, 1501 K. Street N.W. Washington, D.C. 20005) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754675] [23-15992] (Levi, William) [Entered: 07/13/2023 12:21 PM]
07/13/2023	<input type="checkbox"/> 6	Filed (ECF) notice of appearance of Jonathan, E., Nuechterlein (Sidley Austin LLP, 1501 K. Street N.W. Washington, D.C. 20005) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754680] [23-15992] (Nuechterlein, Jonathan) [Entered: 07/13/2023 12:24 PM]
07/13/2023	<input type="checkbox"/> 7	Added Attorney(s) Anastasia Pastan for party(s) Appellee Microsoft Corporation, in case 23-15992. [12754759] (BJK) [Entered: 07/13/2023 01:51 PM]
07/13/2023	<input type="checkbox"/> 8	Added Attorney(s) William Ranney Levi for party(s) Appellee Microsoft Corporation, in case 23-15992. [12754781] (BJK) [Entered: 07/13/2023 02:07 PM]
07/13/2023	<input type="checkbox"/> 9	Added Attorney(s) Jonathan Nuechterlein for party(s) Appellee Microsoft Corporation, in case 23-15992. [12754786] (BJK) [Entered: 07/13/2023 02:09 PM]
07/13/2023	<input type="checkbox"/> 10	Filed (ECF) notice of appearance of Steven C. Sunshine (Skadden, Arps, Slate, Meagher & Flom, LLP, 1440 New York Avenue, NW, Washington, DC 20005) for Appellee Activision Blizzard, Inc.. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754798] [23-15992] (Sunshine, Steven) [Entered: 07/13/2023 02:16 PM]
07/13/2023	<input type="checkbox"/> 11	Filed (ECF) notice of appearance of Julia K. York (Skadden, Arps, Slate, Meagher & Flom, LLP, 1440 New York Avenue, NW, Washington, DC 20005) for Appellee Activision Blizzard, Inc.. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754810] [23-15992] (York, Julia) [Entered: 07/13/2023 02:23 PM]
07/13/2023	<input type="checkbox"/> 12 2 pg, 140.8 KB	Filed clerk order (Deputy Clerk: MCD): The appeal filed July 12, 2023 is a preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply. The mediation questionnaire is due three days after the date of this order. If they have not already done so, within 7 calendar days after the filing date of this order, the parties shall make arrangements to obtain from the court reporter an official transcript of proceedings in the district court that will be included in the record on appeal. The briefing schedule shall proceed as follows: the opening brief and excerpts of record are due no later August 9, 2023; the answering brief is due September 6, 2023 or 28 days after service of the opening brief, whichever is earlier; and the optional reply brief is due within 21 days after service of the answering brief. See 9th Cir. R. 3-3(b). No streamlined extensions of time will be approved. See 9th Cir. R. 31-2.2(a)(3). Any request for an extension of time to file a brief must be made by written motion under Ninth Circuit Rule 31-2.2(b). Failure to file timely the opening brief shall result in the automatic dismissal of this appeal by the Clerk for failure to prosecute. See 9th Cir. R. 42-1. [12754824] (AF) [Entered: 07/13/2023 02:28 PM]
07/13/2023	<input type="checkbox"/> 13	Filed (ECF) notice of appearance of C., Frederick, Beckner (Sidley Austin LLP, 1501 K. Street N. W., Washington, D.C. 20005) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754856] [23-15992] (Beckner, C.) [Entered: 07/13/2023 02:49 PM]
07/13/2023	<input type="checkbox"/> 14	Filed (ECF) notice of appearance of Daniel, J., Hay (Sidley Austin LLP, 1501 K. Street N.W. Washington, D.C. 20005) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754865] [23-15992] (Hay, Daniel) [Entered: 07/13/2023 02:51 PM]
07/13/2023	<input type="checkbox"/> 15	Filed (ECF) notice of appearance of Lucas, Croslow (Sidley Austin LLP, 1501 K. Street N.W. Washington, D.C. 20005) for Appellee Microsoft Corporation. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754869] [23-15992] (Croslow, Lucas) [Entered: 07/13/2023 02:54 PM]
07/13/2023	<input type="checkbox"/> 16	Added Attorney(s) C. Frederick Beckner III for party(s) Appellee Microsoft Corporation, in case 23-15992. [12754897] (BJK) [Entered: 07/13/2023 03:16 PM]
07/13/2023	<input type="checkbox"/> 17	Added Attorney(s) Daniel J. Hay for party(s) Appellee Microsoft Corporation, in case 23-15992. [12754899] (BJK) [Entered: 07/13/2023 03:18 PM]
07/13/2023	<input type="checkbox"/> 18	Added Attorney(s) Lucas Croslow for party(s) Appellee Microsoft Corporation, in case 23-15992. [12754903] (BJK) [Entered: 07/13/2023 03:20 PM]

- 07/13/2023 19 Filed (ECF) notice of appearance of Imad Dean Abyad (Federal Trade Commission, 600 Pennsylvania Ave., N.W., Washington DC 20580) for Appellant FTC. Date of service: 07/13/2023. (Party was previously proceeding with counsel.) [12754996] [23-15992] (Abyad, Imad) [Entered: 07/13/2023 04:11 PM]
- 07/13/2023 20 Filed (ECF) UNDER SEAL Appellant FTC motion to file document under seal and submit sealed document. Type of document: other (Preliminary Injunction Opinion - Under Seal). Date of service: 07/13/2023. [12755074] [23-15992] (Abyad, Imad) [Entered: 07/13/2023 07:32 PM]
- 07/13/2023 [21](#) Filed (ECF) Appellant FTC EMERGENCY Motion for injunction pending appeal. Date of service: 07/13/2023. [12755075] [23-15992] (Abyad, Imad) [Entered: 07/13/2023 07:36 PM]
84 pg, 886.92 KB
- 07/14/2023 22 Filed (ECF) notice of appearance of Adam B. Banks (Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153) for Appellee Microsoft Corporation. Date of service: 07/14/2023. (Party was previously proceeding with counsel.) [12755087] [23-15992] (Banks, Adam) [Entered: 07/14/2023 06:35 AM]
- 07/14/2023 [23](#) Filed (ECF) Appellee Microsoft Corporation response opposing motion ([[21](#)] Motion (ECF Filing), [[21](#)] Motion (ECF Filing), [20] Motion (Seal) (ECF Filing)). Date of service: 07/14/2023. [12755246] [23-15992] (Wilkinson, Beth) [Entered: 07/14/2023 10:15 AM]
42 pg, 357.58 KB
- 07/14/2023 24 Added Attorney(s) Adam Banks for party(s) Appellee Microsoft Corporation, in case 23-15992. [12755377] (BJK) [Entered: 07/14/2023 11:45 AM]
- 07/14/2023 [25](#) Filed order (RICHARD C. TALLMAN, SANDRA S. IKUTA and DANIEL P. COLLINS): The motion to file the district court's preliminary injunction opinion under seal (Docket Entry No. [20]) is granted. See 9th Cir. R. 27-13. The Clerk will maintain it under seal. The motion for injunctive relief (Docket Entry No. [[21](#)]) is denied. See Fed. Trade Comm'n v. Warner Commc'ns Inc., 742 F.2d 1156, 1159-60 (9th Cir. 1984) (defining standard by which the Federal Trade Commission may obtain a preliminary injunction); see also Feldman v. Ariz. Sec'y of State, 843 F.3d 366, 367 (9th Cir. 2016) (discussing standard for an injunction pending appeal). The existing briefing schedule remains in effect. [12755753] (AF) [Entered: 07/14/2023 04:04 PM]
1 pg, 148.86 KB
- 07/17/2023 [26](#) Filed (ECF) Appellant FTC Mediation Questionnaire. Date of service: 07/17/2023. [12756470] [23-15992] (Abyad, Imad) [Entered: 07/17/2023 02:39 PM]
2 pg, 135.75 KB
- 07/17/2023 27 The Mediation Questionnaire for this case was filed on 07/17/2023.
To submit pertinent **confidential** information directly to the Circuit Mediators, please use the following [link](#). Confidential submissions may include any information relevant to mediation of the case and settlement potential, including, but not limited to, settlement history, ongoing or potential settlement discussions, non-litigated party related issues, other pending actions, and timing considerations that may impact mediation efforts.[12756765]. [23-15992] (AD) [Entered: 07/17/2023 06:44 PM]
- 07/21/2023 [28](#) MEDIATION ORDER FILED: By 07/18/2023, counsel to email Circuit Mediator regarding settlement potential. Include Ninth Circuit case name and number in subject line. This communication will be kept confidential, if requested, and should not be filed with the court. The existing briefing schedule remains in effect. SEE ORDER FOR DETAILS. [12759748] (BLS) [Entered: 07/21/2023 03:18 PM]
2 pg, 110.14 KB
- 07/21/2023 [29](#) AMENDED MEDIATION ORDER FILED: By 07/28/2023, counsel to email Circuit Mediator regarding settlement potential. Include Ninth Circuit case name and number in subject line. This communication will be kept confidential, if requested, and should not be filed with the court. The existing briefing schedule remains in effect. SEE ORDER FOR DETAILS. [12759807] (BLS) [Entered: 07/21/2023 04:07 PM]
2 pg, 112.82 KB
- 07/25/2023 30 Filed (ECF) notice of appearance of Evan R. Kreiner (Skadden, Arps, Slate, Meagher & Flom LLP, One Manhattan West, New York, New York, 10001) for Appellee Activision Blizzard, Inc.. Date of service: 07/25/2023. (Party was previously proceeding with counsel.) [12762194] [23-15992] (Kreiner, Evan) [Entered: 07/25/2023 11:10 PM]
- 07/25/2023 31 Filed (ECF) notice of appearance of Michael J. Sheerin (Skadden, Arps, Slate, Meagher & Flom LLP, One Manhattan West, New York, New York 10001) for Appellee Activision Blizzard, Inc.. Date of service: 07/25/2023. (Party was previously proceeding with counsel.) [12762195] [23-15992] (Sheerin, Michael) [Entered: 07/25/2023 11:14 PM]
- 07/26/2023 32 Added Attorney(s) Evan Kreiner for party(s) Appellee Activision Blizzard, Inc., in case 23-15992. [12762923] (BJK) [Entered: 07/26/2023 03:51 PM]
- 07/26/2023 33 Added Attorney(s) Michael Sheerin for party(s) Appellee Activision Blizzard, Inc., in case 23-15992. [12762926] (BJK) [Entered: 07/26/2023 03:53 PM]
- 08/09/2023 34 Filed (ECF) UNDER SEAL Appellant FTC motion to file document under seal and submit sealed document. Type of document: other (Opening Brief and Volume 3 of Excerpts of Records). Date of service: 08/09/2023. [12771607] [23-15992]--[COURT UPDATE: Attached corrected PDF of the brief and volume 3. 08/11/2023 by KWG] (Abyad, Imad) [Entered: 08/09/2023 07:26 PM]
- 08/09/2023 [35](#) Submitted (ECF) excerpts of record. Submitted by Appellant FTC. Date of service: 08/09/2023. [12771608] [23-15992]--[COURT UPDATE: Attached corrected PDF of vols 1-2 and index vol. 08/11/2023 by KWG] (Abyad, Imad) [Entered: 08/09/2023 07:32 PM]
274 pg, 8.05 MB
- 08/16/2023 [36](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Law Professors in Support of Appellant. Date of service: 08/16/2023. [12775639] [23-15992]--[COURT UPDATE: Attached corrected PDF of the brief. 08/22/2023 by KWG] (Sturiale, Jennifer) [Entered: 08/16/2023 04:22 PM]
17 pg, 560.74 KB
- 08/22/2023 37 Entered appearance of Amicus Curiae Law Professors. [12778510] (KWG) [Entered: 08/22/2023 09:55 AM]

- 08/22/2023 [38](#) 2 pg, 95.63 KB Filed clerk order: The amicus brief [\[36\]](#) submitted by Law Professors is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12778512] (KWG) [Entered: 08/22/2023 09:57 AM]
- 08/24/2023 [39](#) Filed (ECF) notice of appearance of Mark Stephen Hegedus (Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580) for Appellant FTC. Date of service: 08/24/2023. (Party was previously proceeding with counsel.) [12780502] [23-15992] (Hegedus, Mark) [Entered: 08/24/2023 02:46 PM]
- 08/24/2023 [40](#) Added Attorney(s) Mark S. Hegedus for party(s) Appellant FTC, in case 23-15992. [12780520] (BJK) [Entered: 08/24/2023 02:56 PM]
- 08/25/2023 [41](#) 8 pg, 83.27 KB Filed Appellant FTC motion to file unredacted opening brief and Volume 3 of the excerpts of record UNDER SEAL. Deficiencies: None. Served on 08/09/2023. (Court-entered filing of motion submitted under seal at [34]) [12781331] (WL) [Entered: 08/25/2023 04:52 PM]
- 08/25/2023 [42](#) 2 pg, 103.47 KB Filed order (Appellate Commissioner): Appellant's unopposed motion (Docket Entry No. [34]) to file under seal the unredacted opening brief and Volume 3 of the excerpts of record is granted, subject to reconsideration by the merits panel. The Clerk will publicly file the motion to seal (Docket Entry No. [34]-1) and Volumes 1 and 2 of the excerpts of record (Docket Entry No. [35]). The Clerk will file under seal the unredacted opening brief (Docket Entry No. [34]-2) and Volume 3 of the excerpts of record (Docket Entry No. [34]-3). Within 21 days of this order, appellant must submit for public filing a redacted version of the opening brief that tracks the redactions in highlighted text in Docket Entry No. [34]-2. The page numbering and citations in the public version must remain the same as in the sealed version. The existing briefing schedule remains in effect. [12781334] (WL) [Entered: 08/25/2023 04:55 PM]
- 08/25/2023 [43](#) Submitted (ECF) UNDER SEAL Opening Brief for review. Submitted by Appellant FTC. Date of service: 08/09/2023. (Court-entered filing, brief originally submitted in [34].) [12781336] (WL) [Entered: 08/25/2023 04:56 PM]
- 08/25/2023 [44](#) Submitted (ECF) UNDER SEAL excerpts of record Vol 3. Submitted by Appellant FTC. Date of service: 08/09/2023. (Court-entered filing, excerpts of record originally submitted in [34].) [12781337] (WL) [Entered: 08/25/2023 04:58 PM]
- 08/28/2023 [45](#) Received 6 paper copies of Amicus Brief [\[36\]](#) filed by Law Professors. [12781766] (SD) [Entered: 08/28/2023 12:35 PM]
- 08/28/2023 [46](#) 2 pg, 96.2 KB Filed clerk order: The opening brief [\[43\]](#) submitted by FTC is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The excerpts of record [\[35\]](#), [\[44\]](#) submitted by FTC are filed. Volume 3 filed UNDER SEAL. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12781869] (KWG) [Entered: 08/28/2023 01:54 PM]
- 08/28/2023 [47](#) 86 pg, 405.43 KB Submitted (ECF) Opening Brief for review. Submitted by Appellant FTC. Date of service: 08/28/2023. [12781879] [23-15992] (Abyad, Imad) [Entered: 08/28/2023 02:01 PM]
- 08/29/2023 [48](#) 1 pg, 90.24 KB Filed clerk order: The redacted opening brief [\[47\]](#) submitted by FTC is filed. No paper copies of the redacted brief are required at this time. [12783127] (KWG) [Entered: 08/29/2023 04:45 PM]
- 08/31/2023 [49](#) Received 3 paper copies of excerpts of record [\[35\]](#), [\[44\]](#) in 3 volume(s) and index volume filed by Appellant FTC. Volume 3 is filed UNDER SEAL. [12784546] (SD) [Entered: 08/31/2023 12:29 PM]
- 08/31/2023 [50](#) Received 6 paper copies of Opening Brief [\[43\]](#) filed UNDER SEAL by FTC. [12784547] (SD) [Entered: 08/31/2023 12:31 PM]
- 08/31/2023 [51](#) 1 pg, 89.07 KB MEDIATION ORDER FILED: This case is RELEASED from the Mediation Program. [12784686] (CL) [Entered: 08/31/2023 02:32 PM]
- 09/06/2023 [52](#) Filed (ECF) notice of appearance of Jenna H. Pavelec (Wilkinson Stekloff LLP 2001 M Street NW Floor 10th Washington, DC 20036) for Appellee Microsoft Corporation. Date of service: 09/06/2023. (Party was previously proceeding with counsel.) [12787402] [23-15992] (Pavelec, Jennifer) [Entered: 09/06/2023 01:06 PM]
- 09/06/2023 [53](#) Added Attorney(s) Jennifer Haring Pavelec for party(s) Appellee Microsoft Corporation, in case 23-15992. [12787460] (BJK) [Entered: 09/06/2023 01:48 PM]
- 09/06/2023 [54](#) Filed (ECF) UNDER SEAL Appellees Activision Blizzard, Inc. and Microsoft Corporation motion to file document under seal and submit sealed document. Type of document: other (Brief and Volume 3 of Excerpts of Records). Date of service: 09/06/2023. [12787800] [23-15992]--[COURT UPDATE: Attached corrected PDF of the motion, brief, and vol 3. 09/08/2023 by KWG] (Kilaru, Rakesh) [Entered: 09/06/2023 06:31 PM]
- 09/06/2023 [55](#) 84 pg, 521.16 KB Submitted (ECF) Answering Brief for review. Submitted by Appellees Activision Blizzard, Inc. and Microsoft Corporation. Date of service: 09/06/2023. [12787806] [23-15992]--[COURT UPDATE: Attached corrected PDF of the redacted brief. 09/08/2023 by KWG] (Kilaru, Rakesh) [Entered: 09/06/2023 06:47 PM]
- 09/06/2023 [56](#) 327 pg, 7.95 MB Submitted (ECF) supplemental excerpts of record. Submitted by Appellees Activision Blizzard, Inc. and Microsoft Corporation. Date of service: 09/06/2023. [12787807] [23-15992]--[COURT UPDATE: Attached corrected PDF of the index vol, and vols 1-2. 09/08/2023 by KWG] (Kilaru, Rakesh) [Entered: 09/06/2023

06:50 PM]

- 09/06/2023 [57](#) Filed Appellees Activision Blizzard, Inc. and Microsoft Corporation motion to file Answering Brief and Supplemental Excerpts, Volume 3, UNDER SEAL. Deficiencies: None. Served on 09/06/2023. (Court entered filing, originally filed in [54].) [12788672] (KWG) [Entered: 09/08/2023 08:07 AM]
8 pg, 257.71 KB
- 09/06/2023 [58](#) Submitted (ECF) UNDER SEAL Answering Brief for review. Submitted by Appellees Activision Blizzard, Inc. and Microsoft Corporation. Date of service: 09/06/2023. (Court-entered filing, brief originally submitted in [54].) [12788673] (KWG) [Entered: 09/08/2023 08:08 AM]
- 09/06/2023 [59](#) Submitted (ECF) UNDER SEAL supplemental excerpts of record, volume 3. Submitted by Appellees Activision Blizzard, Inc. and Microsoft Corporation. Date of service: 09/06/2023. (Court-entered filing, excerpts of record originally submitted in [54].) [12788674] (KWG) [Entered: 09/08/2023 08:10 AM]
- 09/13/2023 [60](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Former State Attorneys General. Date of service: 09/13/2023. [12791668] [23-15992] (Thomas, Jeane) [Entered: 09/13/2023 02:00 PM]
22 pg, 354.35 KB
- 09/13/2023 [61](#) Entered appearance of Amicus Curiae Former State Attorneys General. [12791735] (KWG) [Entered: 09/13/2023 02:43 PM]
- 09/13/2023 [62](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Business Roundtable. Date of service: 09/13/2023. [12791742] [23-15992] (Ohlhausen, Maureen) [Entered: 09/13/2023 02:51 PM]
21 pg, 139.5 KB
- 09/13/2023 [63](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by The Chamber of Commerce of the United States of America. Date of service: 09/13/2023. [12791762] [23-15992] (Harris, Jeffrey) [Entered: 09/13/2023 03:09 PM]
33 pg, 423.18 KB
- 09/13/2023 [64](#) Entered appearance of Amici Curiae Business Roundtable and Chamber of Commerce of the United States of America. [12791782] (KWG) [Entered: 09/13/2023 03:24 PM]
- 09/13/2023 [65](#) Filed clerk order: The amicus brief [\[60\]](#) submitted by Former State Attorneys General is filed. Within 7 days of the filing of this order, filers are ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12791784] (KWG) [Entered: 09/13/2023 03:25 PM]
2 pg, 95.74 KB
- 09/13/2023 [66](#) Filed clerk order: The amicus brief [\[62\]](#) submitted by Business Roundtable is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12791789] (KWG) [Entered: 09/13/2023 03:28 PM]
2 pg, 95.18 KB
- 09/13/2023 [67](#) Filed clerk order: The amicus brief [\[63\]](#) submitted by Chamber of Commerce of the United States of America is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: green. The paper copies shall be submitted to the principal office of the Clerk. [12791792] (KWG) [Entered: 09/13/2023 03:29 PM]
2 pg, 95.21 KB
- 09/13/2023 [68](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Amici Curiae Brief of Communications Workers of America and the American Federation of Labor and Congress of Industrial Organizations in Support of Appellees. Date of service: 09/13/2023. [12791939] [23-15992] (Grunes, Allen) [Entered: 09/13/2023 05:02 PM]
24 pg, 426.77 KB
- 09/13/2023 [69](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Curve Games, Finji, iam8bit, Strange Scaffold, and Studio Wildcard. Date of service: 09/13/2023. [12792014] [23-15992] (Arbus Sherry, Melissa) [Entered: 09/13/2023 07:08 PM]
16 pg, 1.06 MB
- 09/13/2023 [70](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by VENTURE CAPITAL FIRMS. Date of service: 09/13/2023. [12792019] [23-15992] (Hassi, Edward) [Entered: 09/13/2023 07:51 PM]
35 pg, 10.21 MB
- 09/13/2023 [71](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Former Antitrust Enforcers. Date of service: 09/13/2023. [12792020] [23-15992] (Panner, Aaron) [Entered: 09/13/2023 08:13 PM]
35 pg, 346.95 KB
- 09/13/2023 [72](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Economists and Antitrust Scholars. Date of service: 09/13/2023. [12792026] [23-15992] (Foster, Dana) [Entered: 09/13/2023 09:08 PM]
20 pg, 333.77 KB
- 09/13/2023 [73](#) Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by TechFreedom. Date of service: 09/13/2023. [12792027] [23-15992] (Sayyed, Bilal) [Entered: 09/13/2023 09:20 PM]
35 pg, 256.84 KB
- 09/14/2023 [74](#) Entered appearance of Amici Curiae Communications Workers of America, AFL-CIO, Curve Games, et al., Former Antitrust Enforcers, Economists and Antitrust Scholars, TechFreedom and Venture Capital Firms. [12792309] (KWG) [Entered: 09/14/2023 12:03 PM]
- 09/14/2023 [75](#) Filed clerk order: The amicus briefs [\[68\]](#), [\[69\]](#), [\[70\]](#), [\[71\]](#), [\[72\]](#), [\[73\]](#) submitted by Amici Curiae AFL-CIO, Communications Workers of America, Curve Games, et al., Economists and Antitrust Scholars, Former Antitrust Enforcers, TechFreedom and Venture Capital Firms are filed.
2 pg, 127.08 KB

Within 7 days of this order, the filer of each brief is ordered to file 6 copies of that brief in paper format,

accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. The Form 18 certificate is available on the Court's website at <http://www.ca9.uscourts.gov/forms/form18.pdf>.

The covers of the amicus brief(s) must be green.

The paper copies shall be submitted to the principal office of the Clerk. The address for regular U.S. mail is P.O. Box 193939, San Francisco, CA 94119-3939. The address for overnight mail is 95 Seventh Street, San Francisco, CA 94103-1526. [12792316] (KWG) [Entered: 09/14/2023 12:09 PM]

- 09/14/2023 76 Filed (ECF) notice of appearance of J. Robert Abraham (Debevoise & Plimpton LLP 66 Hudson Boulevard New York, New York 10001) for Amicus Curiae Venture Capital Firms. Date of service: 09/14/2023. (Party was previously proceeding with counsel.) [12792367] [23-15992] (Abraham, Johan) [Entered: 09/14/2023 12:42 PM]
- 09/14/2023 77 Filed (ECF) notice of appearance of Jaime M. Freilich-Fried (Debevoise & Plimpton LLP 66 Hudson Boulevard New York, New York 10001) for Amicus Curiae Venture Capital Firms. Date of service: 09/14/2023. (Party was previously proceeding with counsel.) [12792380] [23-15992] (Fried, Jaime) [Entered: 09/14/2023 12:47 PM]
- 09/14/2023 78 Filed (ECF) notice of appearance of Isabel Feldman (Debevoise & Plimpton LLP, 66 Hudson Boulevard, New York, New York 10001) for Amicus Curiae Venture Capital Firms. Date of service: 09/14/2023. (Party was previously proceeding with counsel.) [12792395] [23-15992] (Feldman, Isabel) [Entered: 09/14/2023 01:01 PM]
- 09/14/2023 79 Added Attorney(s) Johan Robert Abraham for party(s) Amicus Curiae Venture Capital Firms, in case 23-15992. [12792411] (BJK) [Entered: 09/14/2023 01:12 PM]
- 09/14/2023 80 ENTRY UPDATED. Added Attorney(s) Jaime Michelle Fried for party(s) Amicus Curiae Venture Capital Firms, in case 23-15992. [12792417]--[Edited 09/14/2023 by BJK] (BJK) [Entered: 09/14/2023 01:15 PM]
- 09/14/2023 81 Added Attorney(s) Isabel Feldman for party(s) Amicus Curiae Venture Capital Firms, in case 23-15992. [12792423] (BJK) [Entered: 09/14/2023 01:21 PM]
- 09/14/2023 [82](#) Filed (ECF) Curve Games, Finji, iam8bit, Strange Scaffold, and Studio Wildcard corporate disclosure statement. Date of service: 09/14/2023. [12792471] [23-15992] (Arbus Sherry, Melissa) [Entered: 09/14/2023 02:10 PM]
2 pg, 138.5 KB
- 09/15/2023 83 Received 6 paper copies of Amicus Brief [\[60\]](#) filed by Former State Attorneys General. [12793078] (SD) [Entered: 09/15/2023 11:08 AM]
- 09/15/2023 84 Received 6 paper copies of Amicus Brief [\[69\]](#) filed by Curve Games, et al. [12793086] (SD) [Entered: 09/15/2023 11:12 AM]
- 09/18/2023 85 Received 6 paper copies of Amicus Brief [\[71\]](#) filed by Former Antitrust Enforcers. [12794760] (SD) [Entered: 09/19/2023 10:22 AM]
- 09/18/2023 86 Received 6 paper copies of Amicus Brief [\[63\]](#) filed by Chamber of Commerce of the United States of America. [12794765] (SD) [Entered: 09/19/2023 10:24 AM]
- 09/18/2023 87 Received 6 paper copies of Amicus Brief [\[70\]](#) filed by Venture Capital Firms. [12794772] (SD) [Entered: 09/19/2023 10:27 AM]
- 09/18/2023 88 Received 6 paper copies of Amicus Brief [\[68\]](#) filed by Communications Workers of America, et al. [12794777] (SD) [Entered: 09/19/2023 10:32 AM]
- 09/19/2023 89 Received 6 paper copies of Amicus Brief [\[72\]](#) filed by Economists and Antitrust Scholars. [12795244] (SD) [Entered: 09/19/2023 03:53 PM]
- 09/19/2023 90 Received 6 paper copies of Amicus Brief [\[62\]](#) filed by Business Roundtable. [12795250] (SD) [Entered: 09/19/2023 03:56 PM]
- 09/21/2023 91 Received 6 paper copies of Amicus Brief [\[73\]](#) filed by TechFreedom. [12796522] (SD) [Entered: 09/21/2023 11:44 AM]
- 09/24/2023 92 Notice of Oral Argument on Wednesday, December 6, 2023 - 09:00 A.M. - Courtroom 1 - Scheduled Location: San Francisco CA.
The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Anyone appearing in person must review and comply with our Protocols for In Person Hearings, available [here](#). At this time, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion

requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 28 days before Wednesday, December 6, 2023. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12797787]. [23-15992] (KS) [Entered: 09/24/2023 06:22 AM]

- 09/27/2023 93 Filed (ECF) UNDER SEAL Appellant FTC motion to file document under seal and submit sealed document. Type of document: other (Motion). Date of service: 09/27/2023. [12800338] [23-15992] (Hegedus, Mark) [Entered: 09/27/2023 08:46 PM]
- 09/27/2023 [94](#) Submitted (ECF) further excerpts of record. Submitted by Appellant FTC. Date of service: 09/27/2023. [12800339] [23-15992] (Hegedus, Mark) [Entered: 09/27/2023 08:48 PM]
5 pg, 430.29 KB
- 09/27/2023 [95](#) Filed Appellant FTC motion to file Reply Brief and Excerpts of Record, Volume 2 UNDER SEAL. Deficiencies: None. Served on 09/27/2023. (Court entered filing, originally filed in [93].) [12800376] (KWG) [Entered: 09/28/2023 08:26 AM]
8 pg, 107.24 KB
- 09/27/2023 96 Submitted (ECF) UNDER SEAL Reply Brief for review. Submitted by Appellant FTC. Date of service: 09/27/2023. (Court-entered filing, brief originally submitted in [93].) [12800378] --[COURT UPDATE: Attached corrected brief. 10/02/2023 by TYL] (KWG) [Entered: 09/28/2023 08:28 AM]
- 09/27/2023 97 Submitted (ECF) UNDER SEAL further excerpts of record, volume 2. Submitted by Appellant FTC. Date of service: 09/27/2023. (Court-entered filing, excerpts of record originally submitted in [93].) [12800379] (KWG) [Entered: 09/28/2023 08:29 AM]
- 10/02/2023 [98](#) Filed (ECF) Errata to Reply Brief ([96] Brief Submitted for Review (ECF Filing)). Filed by Appellant FTC. Date of service: 10/02/2023. [12802635] [23-15992] (Hegedus, Mark) [Entered: 10/02/2023 02:50 PM]
3 pg, 68.65 KB
- 10/03/2023 99 Filed (ECF) Acknowledgment of hearing notice by Attorney Rakesh Kilaru for Appellee Microsoft Corporation. Hearing in San Francisco on 12/06/2023 at 9:00 AM (Courtroom: 1). Filer sharing argument time: No. Appearance in person or by video: I wish to appear in person. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 10/03/2023. [12803297] [23-15992] (Kilaru, Rakesh) [Entered: 10/03/2023 12:17 PM]
- 10/04/2023 100 Filed text clerk order (Deputy Clerk: MCD): The motion to file under seal the unredacted answering brief and volume 3 of excerpts of record [\[57\]](#), is granted. [12804438] (OC) [Entered: 10/04/2023 01:56 PM]
- 10/04/2023 101 Filed text clerk order (Deputy Clerk: MCD): The motion to file under seal the unredacted reply brief and volume 2 of further excerpts of record [\[95\]](#), is granted. [12804448] (OC) [Entered: 10/04/2023 02:00 PM]
- 10/04/2023 [102](#) Filed clerk order: The answering brief [\[58\]](#) submitted by Activision Blizzard, Inc. and Microsoft Corporation is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The supplemental excerpts of record [\[56\]](#), [\[59\]](#) submitted by Activision Blizzard, Inc. and Microsoft Corporation are filed. Volume 3 filed UNDER SEAL. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12804464] (KWG) [Entered: 10/04/2023 02:04 PM]
2 pg, 95.74 KB
- 10/04/2023 [103](#) Filed clerk order: The redacted answering brief [\[55\]](#) submitted by Activision Blizzard, Inc. and Microsoft Corporation is filed. No paper copies of the redacted brief are required. [12804468] (KWG) [Entered: 10/04/2023 02:08 PM]
1 pg, 91.98 KB
- 10/04/2023 [104](#) Filed clerk order: The reply brief [\[96\]](#) submitted by FTC is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The further excerpts of record [\[94\]](#), [\[97\]](#) submitted by FTC are filed. Volume 2 filed UNDER SEAL. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [12804471] (KWG) [Entered: 10/04/2023 02:11 PM]
2 pg, 95.75 KB
- 10/06/2023 105 Received 3 paper copies of supplemental excerpts of record [\[59\]](#), [\[56\]](#) in 3 volumes and index volume filed by Appellees Activision Blizzard, Inc. and Microsoft Corporation. Volume 3 is filed UNDER SEAL. (Sent to panel) [12807099] (SD) [Entered: 10/10/2023 11:03 AM]
- 10/06/2023 106 Received 6 paper copies of Answering Brief [\[58\]](#) filed UNDER SEAL by Activision Blizzard, Inc. and Microsoft Corporation. (sent to panel) [12807107] (SD) [Entered: 10/10/2023 11:05 AM]
- 10/10/2023 107 Received 3 paper copies of further excerpts of record [\[94\]](#), [\[97\]](#) in 2 volumes and index volume filed by Appellant FTC. Volume 2 is filed UNDER SEAL. (sent to panel) [12807262] (SD) [Entered: 10/10/2023 01:19 PM]
- 10/10/2023 108 Received 6 paper copies of Reply Brief [\[96\]](#) filed UNDER SEAL by FTC. (sent to panel) [12807265] (SD) [Entered: 10/10/2023 01:21 PM]
- 10/13/2023 [109](#) Filed (ECF) Appellees Activision Blizzard, Inc. and Microsoft Corporation citation of supplemental authorities. Date of service: 10/13/2023. [12809735] [23-15992] (Kilaru, Rakesh) [Entered: 10/13/2023 05:32 PM]
48 pg, 803.73 KB

10/18/2023 [110](#) Filed (ECF) Appellant FTC citation of supplemental authorities. Date of service: 10/18/2023. [12811662]
2 pg, 164.37 KB [23-15992] (Abyad, Imad) [Entered: 10/18/2023 01:44 PM]

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