

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

Case No. 23-cv-02880-JSC

**ORDER RE: TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Re: Dkt. No. 7

United States District Court
Northern District of California

The Federal Trade Commission (FTC) brings this action for provisional relief pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b). The FTC seeks a temporary restraining order (TRO) and preliminary injunction enjoining Defendants Microsoft and Activision from consummating a proposed transaction while the FTC’s administrative review of the transaction is pending.

The Court, having read and considered the TRO, finds that temporary relief pursuant to Federal Trade Commission Act § 13(b), 15 U.S.C. § 53(b), is necessary to maintain the status quo while the Complaint is pending, preserve this Court’s ability to order effective relief in the event it determines a preliminary injunction is warranted, and preserve the FTC’s ability to obtain an effective permanent remedy in the event that it prevails in its pending administrative proceeding, *In re Microsoft Corp. & Activision Blizzard, Inc.*, Docket No. 9412 (FTC). Accordingly, the FTC’s TRO is GRANTED, as follows:

1. Microsoft and Activision shall not close or consummate their proposed transaction or a substantially similar transaction until after 11:59 p.m. Pacific Time on the fifth business day after the Court rules on the FTC’s request for a preliminary injunction under Federal Trade Commission Act § 13(b), 15 U.S.C. § 53(b), or a date set by the

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court, whichever is later; and

2. Microsoft and Activision shall prevent any of their officers, directors, domestic or foreign agents, divisions, subsidiaries, affiliates, partnerships, or joint ventures from closing or consummating, directly or indirectly, the proposed transaction or a substantially similar transaction.

The Court sets an evidentiary hearing on the preliminary injunction for June 22 and 23, 2023, in Courtroom 8 at 450 Golden Gate Ave. San Francisco, California before the Honorable Jacqueline Scott Corley. Microsoft and Activision will submit their brief in opposition to the motion for preliminary injunction by June 16, 2023; the FTC shall submit its reply by noon, June 20, 2023. The Court will issue a further order with instructions for format for the preliminary injunction evidentiary hearing.

IT IS SO ORDERED.

Dated: June 13, 2023



EDWARD J. DAVILA for
JACQUELINE SCOTT CORLEY
United States District Judge