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III.

Good cause exists to amend the schedule set forth in the Scheduling Order. Accordingly, the Joint Motion is GRANTED, with slight modifications to the proposed schedule. The Scheduling Order is hereby revised as follows:

- December 21, 2023 - Close of Supplemental Discovery. *See* October 26, 2023 Order reopening limited discovery.
- January 12, 2024 - Deadline for both parties' Supplemental Exhibits, limited to documents produced in supplemental discovery or admitted as exhibits in *FTC v. Microsoft Corp.*, 3:23-cv-2880 (N.D. Cal.).
- January 19, 2024 - Parties that intend to offer confidential materials of an opposing party as evidence at the hearing must provide renewed notice to the opposing party, pursuant to 16 C.F.R. § 3.45(b), as well as a copy of this Scheduling Order.
- January 26, 2024 - Exchange and serve courtesy copy on ALJ objections to final proposed witness lists and exhibit lists. The Parties are directed to review the Commission's Rules on admissibility of evidence before filing objections to exhibits and raise only objections that are necessary and valid.
- January 29, 2024 - Parties that intend to offer confidential materials of a non-party as evidence at the hearing must provide renewed notice to the non-party, pursuant to 16 C.F.R. § 3.45(b), as well as a copy of this Scheduling Order.
- February 2, 2024 - Deadline for filing motions *in limine* to preclude admission of evidence.
- February 12, 2024 - Deadline for filing responses to motions *in limine* to preclude admission of evidence.
- 1 week after the issuance of the Ninth Circuit's opinion on the Commission's appeal of the district court decision in *FTC v. Microsoft Corp.* - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- 4 business days after the deadline for filing motions for *in camera* treatment - Deadline for filing responses to motions for *in camera* treatment.

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- 2 weeks after the issuance of the Ninth Circuit's opinion on the Commission's appeal of the district court decision in *FTC v. Microsoft Corp.* - Respondents file pretrial briefs supported by legal authority.
- 2 weeks after the issuance of the Ninth Circuit's opinion on the Commission's appeal of the district court decision in *FTC v. Microsoft Corp.* - Exchange proposed stipulations of law, facts, and authenticity.
- 1 day before commencement of the evidentiary hearing - Final prehearing conference to begin at 1:00 p.m. ET.
- By Order of the Commission, 21 days after the issuance of the Ninth Circuit's opinion on the Commission's appeal of the district court decision in *FTC v. Microsoft Corp.* - Commencement of Hearing, to begin at 10:00 a.m. ET.

All other Additional Provisions in the Scheduling Order remain in place.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: December 15, 2023