

Insights



Benjamin Sirota Analyzes FTC Challenge of Microsoft-Activision Deal with Bloomberg Businessweek, WSJ and MLex

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The U.S. Federal Trade Commission's (FTC) attempt to block Microsoft's acquisition of video game developer Activision Blizzard is, to some, a surprising and aggressive move with long odds. Kobre & Kim's Benjamin Sirota, who focuses on contentious high-stakes antitrust disputes, analyzed the case when he sat down with *Bloomberg Businessweek*, *The Wall Street Journal* and *MLex Market Insights*.

The FTC's move is part of "a different default approach" the agency has recently taken since the appointment of Lina Khan as chair, Mr. Sirota explained to *Bloomberg Businessweek*. "In any industry they think is problematic or in a market that's consolidated, the presumption going in will be to ask: 'Can we challenge it?'" This aggressiveness may open up arguments for Microsoft to make, given that "probably more than in many cases, there are some fairly large factual holes" in the FTC's complaint "that may be outcome determinative here," Mr. Sirota told *MLex Market Insights*.

With a hearing set for August 2023, Microsoft could also offer the FTC additional commitments or implement them itself in the meantime, Mr. Sirota told *The Wall Street Journal*. However, the government would have to enforce those commitments, which "takes resources and circumstances often change." The FTC would also have to take into account how "commitments that solve a competition problem now might not work in the future," he added.

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