

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Chapter 11
ATARI, INC., <i>et al.</i> ,)	
)	Case No. 13-10176 (JMP)
Debtors. ¹)	
)	(Jointly Administered)

**ORDER APPROVING CONSENSUAL EXTENSION OF THE
DEADLINE UNDER BANKRUPTCY CODE SECTION 365(d)(4)**

Upon the motion (the “*Motion*”)² of the Debtors for entry of an order extending the time period within which the Debtors may assume or reject the Headquarters Lease; and upon the Declaration of Eric C. Seitz in Support of Debtors’ Motion for Entry of an Order Approving Consensual Extension of the Deadline Under Bankruptcy Code Section 365(d)(4)(B); and it appearing that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors and other parties in interest; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court being satisfied that notice of the Motion and the opportunity for a hearing on the Motion was appropriate under the particular circumstances and no further or other notice need be given; and the Court having reviewed the Motion; and good, adequate, and sufficient cause having been shown to justify entry of this order; and any objections to the requested relief

¹ The “*Debtors*” are Atari, Inc., Atari Interactive, Inc., Humongous, Inc., and California U.S. Holdings, Inc.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

having been withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.
2. Pursuant to Bankruptcy Code section 365(d)(4), the time by which the Debtors may assume or reject the Headquarters Lease is extended through and including December 31, 2013, without prejudice to the Debtors' right to seek a further extension of their time to assume or reject the Headquarters Lease pursuant to Bankruptcy Code section 365(d)(4)(B)(ii).
3. This order is without prejudice to the right of the Lessor to request that the Court fix an earlier date by which the Debtors must assume or reject the Headquarters Lease, and is also without prejudice to the Debtors' right to oppose such relief.
4. Nothing contained herein shall be deemed to (i) authorize the assumption or rejection of the Headquarters Lease or (ii) determine whether it is an unexpired lease of nonresidential real property within the meaning of Bankruptcy Code section 365(d).
5. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this order in accordance with the Motion.
6. The Court shall retain jurisdiction with respect to all matters arising from or relating to the implementation of this order.

Dated: New York, New York
September 11, 2013



/s/ James M. Peck

Honorable James M. Peck
United States Bankruptcy Judge