

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of)	
)	
Illumina, Inc.,)	
a corporation,)	Docket No. 9401
)	
and)	
)	
GRAIL, Inc.,)	
a corporation,)	
)	
Respondents.)	

**ORDER EXTENDING TIME FOR FILING INITIAL
DECISION PURSUANT TO COMMISSION RULE 3.51**

Federal Trade Commission (“FTC”) Rule of Practice 3.51(a) provides that “[t]he Administrative Law Judge shall file an initial decision within 70 days after the filing of the last filed initial or reply proposed findings of fact, conclusions of law and order” 16 C.F.R. § 3.51(a). The last reply to proposed findings of fact and conclusions of law and briefs were filed on May 25, 2022. Pursuant to Rule 3.51, the Initial Decision would be issued on or before August 3, 2022. FTC Rule 3.51(a) provides also that “[t]he Administrative Law Judge may extend [this time period] by up to 30 days for good cause.” 16 C.F.R. § 3.51(a).

The record from this multi-week trial is particularly extensive, involving dozens of witnesses, including numerous experts, and numerous disputed complex issues of law and fact. Over 4,500 exhibits were admitted into evidence. Fifty-six fact witnesses and ten expert witnesses (three for Complaint Counsel and seven for Respondents) testified, either live or by deposition and there are 4,609 pages of trial transcript from witnesses’ live testimony. Moreover, the parties submitted an astonishingly large number of proposed findings of fact, totaling 8,600 proposed findings (not including the hundreds of sub-findings proposed by Respondents). The parties’ post-trial briefs, and reply briefs, proposed findings of fact and replies thereto, and conclusions of law and replies thereto total 10,263 pages. The amount of information to review is extraordinarily high.¹

¹ By contrast, in the last merger case, the parties submitted a total of 3,900 proposed findings of fact and 4,067 pages of briefs, proposed facts, conclusions of law, and replies thereto.

For the foregoing reasons, good cause exists to extend the deadline for filing the *in camera* version of the Initial Decision in this matter by up to 30 days, to September 2, 2022.²

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: July 25, 2022

² Pursuant to Commission Rule 3.45(f), the public version of the Initial Decision is to be filed within five business days of the filing of the *in camera* version of the Initial Decision.