

ORIGINAL

PUBLIC

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



In the Matter of)
)
)
ECM BioFilms, Inc.,)
 a corporation, also d/b/a)
 Enviroplastics International,)
 Respondent.)
_____)

DOCKET NO. 9358

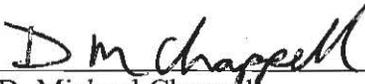
**ORDER DENYING MOTION FOR
IN CAMERA TREATMENT**

On August 26, 2014, non-party Google Inc. (“Google”) filed a Motion for *In Camera* Treatment of Testimony Regarding Competitively Sensitive Business Information (“Motion”). The Motion is DENIED, as explained below:

Complaint Counsel served a subpoena *ad testificandum* on Google seeking testimony from Mr. Paul McDonald, a Google Product Manager. Complaint Counsel’s motion for leave to present testimony from Mr. McDonald after Complaint Counsel had completed its case-in-chief was denied. Order Denying Complaint Counsel’s Motion for Leave to Call Rebuttal Fact Witnesses and Respondent’s Request to Bar Rebuttal Expert Witness (September 5, 2014). By Order dated September 4, 2014, the record in this case was closed. Accordingly, Mr. McDonald will not present any testimony in this proceeding.

Under Federal Trade Commission Rule 3.45, an *in camera* order is only applicable to confidential information “offered into evidence” at the hearing. 16 C.F.R. § 3.45(b). Because the testimony of Mr. McDonald will not be offered into evidence, no *in camera* order is necessary. Accordingly, Google’s Motion is DENIED.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: September 5, 2014