

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

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In the Matter of)	
)	
Otto Bock HealthCare North America, Inc.,)	Docket No. 9378
)	
a corporation,)	
)	
)	
Respondent.)	
_____)	

SECOND ORDER ON NON-PARTIES'
MOTIONS FOR *IN CAMERA* TREATMENT

I.

By Order dated July 6, 2018, the motions for *in camera* treatment filed by three non-parties were granted in part, but denied in part without prejudice with respect to deposition transcripts. In the original motions for *in camera* treatment, each of the three non-parties failed to narrow its request to only the portions of deposition testimony containing confidential information. The three non-parties have now filed renewed motions seeking *in camera* treatment for only those pages and line numbers of their deposition transcripts that contain information that meets the standard for *in camera* treatment. Complaint Counsel and Respondent do not oppose the motions.

The July 6, 2018 Order sets forth the standards by which the renewed motions are reviewed. The motions are GRANTED, as set forth below.

II.

Daw Industries, Inc. (“Daw”)

Non-party Daw seeks *in camera* treatment for portions of two deposition transcripts. Daw supports its motion with a declaration from its President. The declaration describes in detail the confidential nature of the information discussed in the depositions, the competitive harm that Daw would suffer if this information were made publicly available, and the measures

that Daw takes to ensure that the information discussed therein remains confidential. The declaration explains that the depositions reflect competitively sensitive information regarding sales data, cost data, annual sales revenue, sales guidelines, investment strategies, and expansion plans.

Daw has met its burden of demonstrating that the selected portions of deposition testimony are entitled to *in camera* treatment. *In camera* treatment for a period of five years, to expire on July 1, 2023, is GRANTED for the following portions of RX1017/PX5146: 25:4-6; 25:13; 25:20-22; 30:11-15; 33:15-20; 34:12-15; 34:21-23; 34:25-35:3; 38:7-20; 40:4-10; 41:6-23; 43:24-25; 61:24; 63:1-25; 69:4-12; 72:3-85:20 and RX1018/PX5147: 14:4-16:18; 23:16-24; 28:6-24; 30:2-18; 34:22-35:3; 44:6-51:21; 53:10-23; 55:1-4; 55:20-64:21; 88:23-89:25; 91:24-92:22; 96:10-24; 98:6-22 and 100:16-19.

Orthotic & Prosthetic Centers, Inc. (“O&P”)

Non-party O&P seeks *in camera* treatment for portions of one deposition transcript. O&P supports its motion with a declaration from its President. The declaration describes the confidential nature of the information discussed in the deposition, the competitive harm that O&P would suffer if this information were made publicly available, and the measures that O&P takes to ensure that the information remains confidential. The declaration explains that the designated portions of the deposition reflect competitively sensitive information regarding fee schedules, revenue streams, costs charged by suppliers and the resultant gross margins received by O&P.

O&P has met its burden of demonstrating that the designated portions of the deposition are entitled to *in camera* treatment. *In camera* treatment for a period of five years, to expire on July 1, 2023, is GRANTED for the following portions of RX1011: 10:9-14; 28:2-7; 30:6-9; 32:1-7; 32:12; 33:3-18; 40:24-25; 44:3-11; 45:13-15; 51:21-23; 52:4-6; 73:1-23; 78:4-15; 79:1-21; 80:3-21; 80:25; 81:7-21; 90:18; 91:8-11; 92:1-22; 93:1-25; 95:18-23; 96:3-10; 97:18-25; 98:2-7; 103:4-25; 105:6-13 and 119:10.

Proteor, Inc. (“Proteor”)

Non-party Proteor seeks *in camera* treatment for portions of one deposition transcript. Proteor supports its motion with a declaration from its Commercial Director and Vice President of Operations. The declaration describes in detail the confidential nature of the information discussed in the deposition, the competitive harm that Proteor would suffer if this information were made publicly available, and the measures that Proteor takes to ensure that the information remains confidential. The declaration explains that the designated portions of the deposition reflect competitively sensitive information detailing Proteor’s future strategic business plans in the United States, pricing information related to sales of Proteor products to customers, and past, current, and anticipated profits.

Proteor has met its burden of demonstrating the designated portions of the deposition are entitled to *in camera* treatment. *In camera* treatment for a period of five years, to expire on July 1, 2023, is GRANTED for the following portions of PX5161/RX1029: 19:21-25; 20:1-2; 24:19-

25; 25:10-14; 25:20-25; 26:1; 32:23-25; 33:1-15; 34:3-18; 62:3-25; 64:3-20; 64:23-24; 65:12-25; 66:3-4; 66:9-10; 67:2-14; 67:19-25; 68:1-2; 68:5-16; 68:24-25; 69:1-2; 69:6-12; 70:15-20; 70:24-25; 71:1-2; 71:8-12; 71:20-25; 72:1-25; 73:1-3; 73:6-11; 73:13-17; 73:19-25; 74:1-2; 74:17-23; 75:3-8; 75:10-16; 75:19-25; 76:1-25; 77:1-11; 77:21-23; 78:1-25; 79:1-16; 81:7-17; 81:23-25; 82:1-11; 82:21-25; 83:1-15; 84:9-14; 84:23-25; 87:14-15; 87:21-22; 88:7-9; 92:12-20; 92:25; 93:1-5; 93:8-25; 94:1; 94:4-9; 94:12; 95:11-25; 96:1-25; 97:1-5; 101:2-13; 107:18-25; 108:1-11; 111:2-14; 132:5-18; 133:1-3; 133:8-10; 133:12-14; 133:17-19; 134:14-18; 135:1-3; 135:6-11; 136:8-11; 142:10-13 and 142:19-22.

III.

In addition, the July 6, 2018 Order granted the motions for *in camera* treatment filed by College Park Industries (“CPI”) and by The Ohio Willow Wood Company (“WillowWood”) but required supplemental filings identifying the documents for which *in camera* treatment was granted by the PX or RX numbers. Those supplemental filings have been made and identify the exhibits from CPI and WillowWood that were granted *in camera* treatment.

College Park Industries

In accordance with the July 6, 2018 Order and the submission provided by the parties, *in camera* treatment for a period of five years, to expire July 1, 2023, is GRANTED for: PX3024, PX3025, PX3026, PX3027, PX3028, PX3029, PX3030, PX3031, PX3032, PX3033, and the following excerpts from PX5107: 19:6-19:8; 21:11-21:13; 25:15-26:14; 40:5-40:6; 40:7-40:12; 40:16-40:21; 40:22-41:11; 41:12-44:13; 45:22-47:25; 48:22-51:3; 51:12-52:1; 52:12-52:18; 54:19-55:19; 55:25-57:12; 57:16-59:2; 59:5-60:11; 60:22-61:16; 61:17-62:3; 62:4-62:7; 62:8-62:24; 62:25-63:13; 63:14-66:5; 66:6-67:18; 69:25-70:5; 71:2-73:3; 73:17-74:17; 75:12-76:12; 76:13-78:21; 78:22-79:12; 79:13-80:22; 80:23-81:18; 81:19-82:8; 83:13-83:25; 84:7-84:9; 84:16-84:20; 85:1-86:4; 86:11-90:1; 90:2-90:22; 90:23-97:12; 97:20-98:12; 98:18-101:6; 101:16-102:8; 102:14-102:22; 102:23-102:25; 103:1-103:9; 103:22-104:6; 104:10-105:16; 105:17-107:20; 107:21-111:20; 112:19-113:24; 113:25-114:12; 114:15-117:23; 117:24-118:18; 118:19-121:23; 128:3-128:9; 128:11-132:10; 133:10-133:24; 226:25-227:3; 227:12-233:19; 233:20-233:23; 235:7-238:23; 239:5-239:10 and 239:11-239:19.

The Ohio Willow Wood Company

In accordance with the July 6, 2018 Order and the submission provided by WillowWood, *in camera* treatment has been granted as set forth below.

1. Permanent *in camera* treatment is GRANTED for: RX0535 and RX1043.
2. Indefinite *in camera* treatment is GRANTED for: PX3021/RX0978/RX0838, RX0445, RX0463, RX0542, and RX0982.
3. *In camera* treatment for a period of ten years, to expire on July 1, 2028, is GRANTED for: PX3022/RX0979, RX0494, RX0498, RX0749, RX0983, RX1042, and for the following deposition transcript excerpts:

a. PX5106: 27:13-30:1, 35:7-36:9, 39:25-40:1, 41:13-41:16, 67:16-68:2, 68:12-68:14, 69:1-2:18, 74:15-75:20, 76:10-76:21, 77:10-82:3, 82:15-82:18, 83:16-84:5, 84:7-84:7, 84:11-84:20, 85:8-87:25, 88:22-88:25, 89:17-89:18, 89:24-91:19, 92:6-92:8, 94:20-94:25, 96:8-96:13, 100:24-100:25, 102:5-102:8, 103:22-104:3, 105:15-105:18, 107:15-107:23, 108:17-108:20, 109:11-109:25, 111:5-111:13, 113:1-113:6, 116:3-116:12, 119:5-119:21, 119:24-120:3, 122:17-122:19, 123:10-123:14, 125:20-125:21, 125:22-125:22, 127:7-127:7, 127:17-127:18, 131:3-133:23, 138:19-138:25, 139:18-146:10, 147:3-147:7, 147:22-148:2, 150:7-150:9, 151:17-151:22, 153:4-155:3, 155:9-155:12, 160:11-160:14, 162:20-162:23, 163:6-163:9, 166:1-166:5, 167:5-167:10, 168:14-168:16, 170:7-170:12, 172:5-172:7, 174:18-174:21, 181:12-181:14, 181:18-181:21, 191:22-192:8, 194:9-195:10, 196:17-198:25, 199:8-199:19, 200:14-201:25, 202:6-202:14, 202:17-203:17, 213:8-214:15, 214:22-215:3, 215:7-215:8, 215:17-218:6, 218:14-219:15, 219:24-220:16, 221:1-221:9, 221:17-221:21, 222:1-222:7, 222:21-223:13.

b. PX5152: 18:1-19:2, 19:13-23:16, 168:16-168:19.

c. PX5156: 10:16-10:20, 12:1-12:24, 17:15-17:20, 79:22-82:3, 83:21-83:24, 84:7-84:9, 85:8-85:10, 87:1-87:3, 88:21-94:16, 95:10-95:11, 95:15-95:18, 99:21-101:5, 109:14-109:18, 110:5-110:25, 111:6-114:14, 159:21-159:24, 160:6-162:15, 163:5-163:20, 203:10-205:17, 206:22-206:25, 207:6-207:8, 210:8-210:24, 212:1-212:18, 215:20-215:23, 216:15-217:6, 220:25-221:13, 222:22-226:17.

d. PX5159: 29:3-29:15, 31:1-31:1, 37:19-37:20, 37:24-38:10, 41:15-43:14, 49:24-53:25, 84:25-85:2, 87:1-92:16, 99:24-100:3, 100:25-104:18, 105:13-106:5, 140:1-140:7, 140:11-140:12, 140:22-141:7, 176:2-178:3, 178:6-178:9, 192:23-193:5, 193:11-193:13.

4. *In camera* treatment for a period of five years, to expire on July 1, 2023, is GRANTED for: PX3079, PX3079R, PX3138, PX3179/RX0801, PX3181/RX0780, PX3183, PX03184/RX0862, PX3188/RX0241, PX3190, PX3191, PX3192, PX3193, PX3194/RX0394, PX3196, PX3198, PX3199/RX0760, RX0258, RX0326, RX0495, RX0497, RX0750, and for the following deposition transcript excerpts:

a. PX5106: 27:9-27:12, 30:23-31:2, 33:14-33:19, 34:1-34:1, 48:16-52:2, 52:11-52:11, 54:7-56:3, 56:10-58:6, 62:3-62:3, 76:22-77:9, 130:21-131:2, 134:2-136:3, 148:3-148:6, 148:14-148:15, 149:13-149:15, 149:19-149:22, 150:2-150:2, 150:10-150:24, 151:1-151:1, 151:10-151:10, 151:12-151:13, 151:23-152:5, 155:16-155:17, 155:22-155:24, 156:8-156:9, 157:16-157:23, 159:19-159:20, 161:1-161:1, 161:18-161:20, 164:11-164:12, 169:3-169:3, 169:4-169:5, 169:12-169:13, 170:13-172:2, 175:10-175:24, 182:4-183:17, 184:11-191:5, 192:9-193:23, 203:23-207:20, 208:2-208:2, 208:5-208:6, 208:12-208:12, 209:13-209:13, 209:16-211:5, 211:24-211:24, 212:11-212:16, and the Confidential references in the word index.

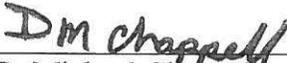
b. PX5152: 14:23-15:4, 15:8-15:10, 25:8-25:10, 25:24-25:24, 31:24-33:18, 33:22-34:19, 35:16-38:6, 39:21-40:1, 42:9-42:12, 43:17-45:2, 58:5-62:7, 62:21-62:25, 63:5-63:12, 66:13-70:18, 71:6-74:3, 74:11-76:1, 76:9-76:15, 76:20-76:20, 78:1-78:11, 83:9-83:9, 83:13-83:16, 84:4-84:7, 85:18-85:21, 87:5-88:14, 88:19-88:21, 89:5-90:12, 91:18-92:1, 95:5-95:7, 97:12-97:12, 98:15-98:19, 99:2-99:2, 99:11-99:12, 103:19-103:22, 104:19-105:1, 105:6-105:11, 105:25-106:3,

107:6-108:17, 112:1-112:6, 113:11-114:4, 118:10-118:24, 126:10-126:24, 135:9-135:9, 135:16-136:14, 137:16-138:10, 139:23-140:4, 145:9-145:22, 146:20-146:20, 147:22-148:1, 148:4-148:6, 148:18-150:20, 151:13-151:13, 156:18-157:3, 158:25-159:2, 159:7-159:15, 169:1-169:2, 169:23-170:9, 175:8-175:16, and the Confidential references in the word index.

c. PX5156: 19:3-19:5, 20:17-20:20, 25:16-25:17, 25:20-29:15, 31:16-31:17, 32:8-33:9, 45:6-45:8, 45:11-45:16, 48:3-49:9, 50:20-50:23, 101:19-104:8, 104:24-104:25, 105:1-105:2, 105:8-109:13, 121:10-121:12, 124:13-124:24, 126:1-126:4, 132:21-133:9, 133:14-134:21, 137:23-137:23, 138:7-139:22, 145:12-148:3, 150:13-151:24, 172:5-172:8, 172:13-172:22, 173:11-173:23, 174:2-174:10, 180:9-180:17, 183:21-183:21, 184:8-184:10, 184:13-184:14, 186:16-187:2, 188:13-191:10, 192:14-194:5, 194:8-194:9, 195:14-202:14, 202:23-202:24, 208:14-209:4, 209:9-209:21, 214:5-214:24, and the Confidential references in the word index.

d. PX5159: 19:2-20:11, 23:25-24:1, 24:24-25:1, 25:9-25:21, 33:16-33:16, 44:3-44:6, 45:13-49:20, 55:3-55:4, 57:12-57:15, 58:5-60:21, 61:13-62:25, 64:9-66:18, 67:1-68:13, 69:5-69:16, 71:15-73:7, 74:1-81:4, 81:13-81:21, 83:21-84:22, 86:1-86:25, 99:7-99:14, 107:2-107:12, 107:17-107:20, 108:9-108:25, 109:18-111:14, 113:6-113:6, 113:20-114:8, 115:25-116:11, 117:7-117:18, 118:5-122:9, 122:23-125:25, 127:10-127:25, 128:16-128:16, 130:22-131:20, 134:23-135:5, 135:23-135:25, 142:25-145:8, 145:18-147:6, 150:24-150:24, 151:13-151:13, 151:14-151:14, 151:19-152:19, 153:12-153:21, 154:5-154:5, 154:23-154:23, 154:25-154:25, 161:8-161:13, 163:23-164:1, 166:17-173:14, 179:20-182:4, 194:5-194:9, 194:23-194:25, and the Confidential references in the word index.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: July 17, 2018