

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
Office of Administrative Law Judges

In the Matter of

Illumina, Inc.,
a corporation,

– and –

GRAIL, Inc.,
a corporation.

Docket No. 9401

THIRD PARTY FREENOME HOLDINGS, INC.'S SECOND MOTION
FOR EXTENSION OF TIME TO MOVE FOR *IN CAMERA*
TREATMENT OF PROPOSED TRIAL EXHIBITS

Pursuant to 16 C.F.R. §§ 3.22(f) and 4.3(b), Third Party Freenome Holdings, Inc. (“Freenome”) respectfully requests an additional one-day extension of the August 5, 2021 deadline for filing motions for *in camera* treatment of proposed trial exhibits, as set in the Administrative Law Judge’s April 26, 2021 Scheduling Order, until Tuesday, August 10, 2021, for the reasons stated in the Supporting Memorandum below. As required by 16 C.F.R. § 3.22(c), a proposed Order accompanies this Motion.

Supporting Memorandum

Freenome previously moved for, and was granted, a four-day extension of the August 5, 2021 deadline for filing motions for *in camera* treatment of proposed trial exhibits by the Administrative Law Judge. Working with that new deadline in mind, Freenome was able to meet with its outside counsel to carefully review the documents designated by the parties as trial exhibits and to finalize the supporting declaration of its Chief Executive Officer, Michael Nolan. Both the declaration and the motion were signed and ready to be filed by counsel

during the evening of August 9, 2021. Counsel discovered, however, that the nonpublic exhibits (i.e., copies of the testimony and documents for which *in camera* treatment is being sought) did not have slip-sheets separating them or proper cover pages. As a result, it was necessary to use the morning of the next business day, August 10, 2021, to rectify these deficiencies and ensure that all the papers were in their proper order for filing.

As Freenome previously noted in its first motion, the testimony and documents designated by the parties as trial exhibits are voluminous. In addition to the transcripts, there are sixty separate exhibits for the Administrative Law Judge's review, and counsel had to divide up the nonpublic exhibits into six volumes to accommodate the file-size limits for electronic filing. The filing, as unwieldy as it was, has now been completed, and Freenome respectfully asks that the Administrative Law Judge excuse the additional small delay in getting the motion papers on file.

For the foregoing reasons, good cause exists for granting Freenome's Motion.

Dated: August 10, 2021

Respectfully Submitted,

By: /s/ Henry C. Su

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2021, I filed the foregoing document electronically using the FTC's Administrative E-Filing System, which will send notification of this filing to:

The Honorable April Tabor
Secretary
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., N.W.
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I also certify that I served the foregoing document by email to the following counsel of record for the parties:

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Counsel for Third Party Freenome Holdings, Inc.

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**[PROPOSED] ORDER GRANTING THIRD PARTY FREENOME HOLDINGS, INC.'S
SECOND MOTION FOR EXTENSION OF TIME
TO MOVE FOR *IN CAMERA* TREATMENT OF PROPOSED TRIAL EXHIBITS**

This matter comes before the Administrative Law Judge on the Motion of Third Party Freenome Holdings, Inc., pursuant to 16 C.F.R. §§ 3.22(f) and 4.3(b), seeking a second, one-day extension of time to move for *in camera* treatment of trial exhibits designated by the parties. Having considered Freenome's Supporting Memorandum, and for good cause shown, the Motion is hereby GRANTED, and Freenome's Motion for *In Camera* Treatment of Proposed Trial Exhibits is deemed timely filed on August 10, 2021.

It is SO ORDERED.

D. Michael Chappell
Chief Administrative Law Judge

Dated: August __, 2021