

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

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

**ORDER ON COMPLAINT COUNSEL’S
MOTION FOR *IN CAMERA* TREATMENT**

I.

Pursuant to Rule 3.45(b) of the Commission’s Rules of Practice and the Scheduling Order entered in this matter, Federal Trade Commission (“FTC” or “Commission”) Complaint Counsel filed a motion for *in camera* treatment for two FTC-produced documents that Respondents Illumina, Inc. and GRAIL, Inc. have listed on their exhibit lists as materials that might be introduced at trial in this matter (“Motion”). Respondents have not opposed the Motion. For the reasons set forth below, Complaint Counsel’s Motion is GRANTED IN PART.

II.

Under Rule 3.45(b), the Administrative Law Judge may order that material offered into evidence “be placed *in camera* only [a] after finding that its public disclosure will likely result in a clearly defined, serious injury to the person, partnership or corporation requesting *in camera* treatment or [b] after finding that the material constitutes sensitive personal information.” 16 C.F.R. § 3.45(b). The standards by which Complaint Counsel’s motion is evaluated are set forth in the Orders on Respondents’ motions for *in camera* treatment, issued August 12, 2021.

Complaint Counsel’s motion seeks *in camera* treatment for two potential trial exhibits – RX0490 and RX3152. Complaint Counsel asserts that these documents contain information related to cooperation efforts with foreign competition agencies, and that the public release of the sensitive personal information in the documents could result in a “clearly defined, serious

injury.” Complaint Counsel supports its motion with a declaration from the director of the FTC’s Office of International Affairs.

The declaration explains that the FTC’s cooperation with foreign authorities plays an important role in the FTC’s ability to fulfill its mission and that this cooperation is facilitated by various obligations protecting those exchanges from public disclosure. The declaration also details the legal obligations that preclude the disclosure of certain confidential information.

RX0490 is an email exchange that discloses the name and email addresses of certain individuals described in the Motion and declaration. This information constitutes sensitive personal information. With respect to RX0490, the motion is GRANTED. Permanent *in camera* treatment is GRANTED for RX0490.

With respect to RX3152, Complaint Counsel seeks to protect a communications log referenced in Complaint Counsel’s Responses and Objections to Respondents’ First Set of Interrogatories. The only portion of RX3152 that reveals the sensitive personal information described in the Motion and declaration is the Response to Interrogatory No. 1. Permanent *in camera* treatment is GRANTED for the Response to Interrogatory No. 1 in RX3152. *In camera* treatment is DENIED WITHOUT PREJUDICE for the remainder of RX3152.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: August 19, 2021