

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina M. Khan, Chair**
 Noah Joshua Phillips
 Rohit Chopra
 Rebecca Kelly Slaughter
 Christine S. Wilson

In the Matter of

Illumina, Inc.,
 a corporation

 and

GRAIL, Inc.,

 a corporation.

DOCKET NO. 9401

**ORDER REGARDING PUBLIC ACCESS TO AND MEANS OF CONDUCTING THE
EVIDENTIARY HEARING IN LIGHT OF THE PUBLIC HEALTH EMERGENCY**

Because of the declared public health emergency¹ associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2, and because it has been advised that gatherings of people in close proximity may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to issue an order addressing public access to the evidentiary hearing in this proceeding pursuant to Commission Rule 3.41(a), 16 C.F.R. § 3.41(a) and providing that that hearing be conducted electronically. Accordingly,

¹ Pursuant to the Public Health Services Act, 42 U.S.C. § 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a public health emergency exists because of COVID-19; and on March 13, 2020, former President Trump issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, *available at* <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020). A continuation of this public health emergency was issued by President Joseph R. Biden on February 24, 2021. Notice on the Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID-19) Pandemic, *available at* <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/> (Feb. 24, 2021).

IT IS HEREBY ORDERED THAT

(1) the evidentiary hearing in this proceeding will take place virtually via video conferencing;
and

(2) public access to the evidentiary hearing in this proceeding, to the extent permitted by any *in camera* orders, shall be allowed only via telephone or live web streaming, in either instance, only for monitoring purposes.

By the Commission.

April J. Tabor
Secretary

SEAL:
ISSUED: August 12, 2021