

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

**In the Matter of**

**Tapestry, Inc.,**  
a corporation;

and

**Capri Holdings Limited,**  
a corporation

**Docket No. 9429**

**RESPONDENTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
MOTIONS FOR *IN CAMERA* TREATMENT**

Pursuant to 16 C.F.R. §§ 3.22(f) and 3.4(b), Respondents Tapestry, Inc. (“Tapestry”) and Capri Holdings Limited (“Capri”) (together “Respondents”) respectfully request an order extending the time to seek *in camera* treatment of trial exhibits by ten (10) days from September 10, 2024, to September 20, 2024, and state the following in support thereof:

1. Complaint Counsel filed their administrative complaint in this matter on April 22, 2024 asking the Federal Trade Commission (“FTC”) to find that Tapestry’s acquisition of Capri is unlawful and scheduling an evidentiary hearing for September 25, 2024. Compl. at 23.

2. The FTC also filed an action in federal court pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b) the same day, seeking a preliminary injunction to prevent Tapestry from acquiring Capri pending the outcome of the administrative proceeding. *See* Compl. for a TRO & Prelim. Inj. Pursuant to Section 13(b) of the Federal Trade Commission Act, *Federal Trade Commission v. Tapestry, Inc.*, No. 1:24-cv-03109-JLR (S.D.N.Y. Apr. 22, 2024), ECF No. 1 (the “Section 13(b) Action”).

2. On May 16, 2024, this Court issued a scheduling order, (1) requiring the FTC to serve its proposed final exhibit list by August 21, 2024; (2) requiring “[p]arties intending to offer confidential materials of an opposing party” to “provide notice to the opposing party” by August 30, 2024; and (3) setting a September 10, 2024 deadline for motions for *in camera* treatment of proposed trial exhibits. May 16, 2024 Scheduling Order at 2-3.

3. Complaint Counsel provided Respondents with a proposed exhibit list on August 21, 2024, but did not provide Respondents with notice on August 30, 2024, regarding any confidential material of Respondents that Complaint Counsel intended to offer at the hearing.

4. On September 6, 2024, Complaint Counsel provided Respondents with a supplemental exhibit list.

5. On September 8, 2024, counsel for Tapestry inquired of Complaint Counsel whether they intended to provide notice of any confidential materials they intended to offer at trial. On September 9, Complaint Counsel responded that they intended on “offering all exhibits on the August 21<sup>st</sup> Exhibit List and September 6<sup>th</sup> Supplemental Exhibit List as evidence at the hearing.”

6. Also on September 9, 2024, the preliminary injunction hearing in the Section 13(b) action began in the United States District Court for the Southern District of New York. The parties have successfully and cooperatively addressed confidentiality issues in that case, which involves a relatively small subset of the exhibits on Complaint Counsel’s exhibit list in this administrative proceeding.

7. An extension of time will provide Respondents additional time to review the extensive number of exhibits that Complaint Counsel intends to offer at the administrative hearing and provided notice of only on September 8, 2024. It will also provide Respondents with time to continue to narrow confidentiality claims. The confidentiality process in the ongoing Section

13(b) hearing will also clarify issues regarding the scope of information that is confidential or competitively sensitive, and will likely streamline any disputes over the designation of such information in this proceeding.

8. On September 9, 2024, counsel for Respondents met and conferred with Complaint Counsel, and Complaint Counsel thereafter represented that they do not oppose this motion. Good cause exists for this motion in light of the Complaint Counsel's delay in providing notice.

9. Accordingly, Respondents respectfully request that this unopposed motion to extend the time to file a motion for *in camera* treatment be granted. A proposed order granting the requested motion is attached.

Dated: September 10, 2024

Respectfully submitted,

/s/ David L. Johnson

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**Docket No. 9429**

**[PROPOSED] ORDER**

Upon consideration of Respondents Tapestry, Inc. (“Tapestry”) and Capri Holdings Limited (“Capri”) Inc.’s Unopposed Motion for Extension of Time to File Motions for *In Camera* Treatment, it is hereby

ORDERED, that the Motion is GRANTED, and it is further

ORDERED, that pursuant to Rules 3.22(f) and 3.4(b) of the Federal Trade Commission Rules of Practice, 16 C.F.R. §§ 3.22(f), 3.4(b), the deadline for Tapestry and Capri to file motions for *in camera* treatment of proposed trial exhibits is extended to September 20, 2024, and the deadline for filing any response to their motion for *in camera* treatment is extended to September 23, 2024.

Date: \_\_\_\_\_

\_\_\_\_\_  
Dania L. Ayoubi  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2024, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor  
Acting Secretary Federal Trade Commission  
600 Pennsylvania Avenue, NW, Room H-113  
Washington, DC 20580  
ElectronicFilings@ftc.gov

The Honorable Dania L. Ayoubi  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, Room H-110  
Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to as of September 10, 2024:

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