

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

In the Matter of

Illumina, Inc.,
a corporation, and

and

GRAIL, Inc.,
a corporation,

Respondents.

Docket No. 9401

RESPONDENTS' NOTICE OF WITHDRAWAL OF EXHIBIT NUMBER RX3868

On August 23, 2021, the Federal Trade Commission (“Complaint Counsel”) and counsel for Respondents Illumina, Inc. and GRAIL, LLC (collectively, “Respondents”) stipulated and agreed on the admissibility of exhibits listed in Attachment A of the Joint Stipulations on Admissibility of Exhibits, also referred to as JX0002. Exhibit Number RX3868, which is listed on JX0002, is an unredacted version of the Expert Report and Declaration of Richard Abrams, M.D. *See* JX0002-150. Exhibit Number PX6097, which is also listed on JX0002, is a copy of Dr. Abrams’ report containing redactions that have been agreed upon by the parties. PX6097 (not RX3868) was used during Dr. Abrams’ deposition and trial testimony in the above-captioned administrative action.

Accordingly, upon conferral with Complaint Counsel, Respondents respectfully withdraw RX3868 in its entirety from JX0002. Any reference to RX3868 in prior submissions to the Court should be understood as a reference to PX6097, the redacted version of Dr. Abrams’ report.

Dated: October 27, 2021

Respectfully submitted,

/s/ Anna M. Rathbun

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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2021, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

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The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
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Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to:

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October 27, 2021

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[PROPOSED] ORDER

Upon consideration of Respondent Illumina, Inc. and GRAIL, LLC's Notice of Withdrawal of Exhibit Number RX3868, it is hereby ORDERED that Exhibit Number RX3868, reserved on Attachment A of the Joint Stipulations on Admissibility of Exhibits, also referred to as JX0002, is WITHDRAWN. Any reference to RX3868 in prior submissions to the Court will be understood as a reference to PX6097.

Date: _____

D. Michael Chappell
Chief Administrative Law Judge