

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

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

**ORDER ON NON-PARTY NATERA, INC.’S SECOND MOTION  
FOR *IN CAMERA* TREATMENT**

By Order issued August 19, 2021, the first motion for *in camera* treatment filed by non-party Natera, Inc. (“Natera”) was granted. Through its second motion for *in camera* treatment, Natera seeks *in camera* treatment for portions of one deposition transcript. Natera asserts it received notification from Federal Trade Commission (“FTC”) Complaint Counsel that it intended to introduce this additional exhibit after Natera had filed its first motion. No party opposes Natera’s second motion.

The standards by which Natera’s motion is evaluated are set forth in the August 19, 2021 Order. Natera supports its motion with a declaration from its lead intellectual property litigation counsel. The declaration asserts that the information Natera seeks to protect consists of trade secrets concerning the technical specificity and research and development efforts for its blood-based cancer screening tests, and highly sensitive business information concerning these tests, including its plans for marketing and commercializing the tests, and its analysis of competition in the industry. The declaration also describes in detail the significant steps Natera takes to protect the information from disclosure and maintain its confidentiality.

Natera has met its burden of demonstrating that the information is sufficiently secret and sufficiently material to its business that disclosure would result in serious competitive injury. In addition, Natera has met its burden of demonstrating that testimony relating to its non-public trade secret information is entitled to extended protection. However, Natera has not met its burden of demonstrating that the testimony is entitled to indefinite *in camera* treatment.

Accordingly, *in camera* treatment for a period of ten years, to expire on September 1, 2031, is GRANTED for the following portions of PX7125 (4:9-10; 8:14-15; 9:3-9; 10:9-12; 11:4-11; 12:1-9; 12:12-13; 12:16-19; 13:5-9; 13:11-13; 13:15-16; 13:19-25; 14:2-5; 14:9-15:4; 15:8-15:19; 16:1-16:16; 16:18-17:9; 17:11-20:16; 20:18-22:6; 23:10-16; 23:18; 23:20; 23:24-25; 24:5; 24:14; 24:21; 25:3-29:2; 29:9-17; 29:22-30:13; 30:15-31:25; 32:3-4; 32:9-34:15; 34:19-34:24; 35:4-9; 35:15-21; 36:3-12; and the glossary attached at pages 013-022).

ORDERED:



D. Michael Chappell  
Chief Administrative Law Judge

Date: August 25, 2021