

**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 RESPONDENT GRAIL, INC.’S MOTION FOR
IN CAMERA TREATMENT OF CERTAIN PORTIONS OF
CHRISTOPHER DELLA PORTA’S TRIAL TESTIMONY**

By Orders issued August 12 and August 24, 2021, the original motion and the second motion for *in camera* treatment filed by Respondent GRAIL, Inc. (“Respondent” or “GRAIL”) were denied without prejudice, with leave to refile. Federal Trade Commission (“FTC”) Rule 3.45(g) provides that the Administrative Law Judge may make a provisional grant of *in camera* status to materials if the showing required in § 3.45(b) cannot be made at the time the material is offered into evidence but the Administrative Law Judge determines that the interests of justice would be served by such a ruling. 16 C.F.R. § 3.45(g).

On August 25, 2021, Christopher Della Porta provided testimony at trial in this matter. In a ruling from the bench, provisional *in camera* treatment was granted to material that was the subject of GRAIL’s second motion for *in camera* treatment. This ruling enabled Della Porta to provide his trial testimony in an *in camera* session. GRAIL subsequently cured the defects in its original and second motions for *in camera* treatment of its documents. No motion is necessary to extend *in camera* treatment to Della Porta’s *in camera* trial testimony. The testimony of Della Porta that was provided during the *in camera* session will remain designated as *in camera*. Because the relief sought by the instant motion has already been granted, GRAIL’s Motion for *In Camera* Treatment of

Certain Portions of Christopher Della Porta's Trial Testimony, filed September 14, 2021, is DENIED AS MOOT.

ORDERED:

Handwritten signature of D. Michael Chappell in cursive script, underlined.

D. Michael Chappell
Chief Administrative Law Judge

Date: September 15, 2021