

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

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

**NON-PARTY GUARDANT HEALTH, INC.’S
MOTION FOR *IN CAMERA* TREATMENT**

Pursuant to Rule 3.45 of the Federal Trade Commission’s (“FTC”) Rules of Practice, 16 C.F.R., § 3.45(b), non-party Guardant Health, Inc. (“Guardant”) respectfully moves this Court for *in camera* treatment of certain confidential and competitively sensitive business documents (or portions thereof) and portions of deposition and investigational hearing transcripts (collectively, the “Confidential Documents”). Guardant produced these Confidential Documents, among others, in response to a Civil Investigative Demand and Rule 35 Subpoenas in the above-captioned matter. Guardant executives also testified pursuant to a Subpoena *Ad Testificandum* and Rule 45 Subpoenas in this matter.¹ The FTC and the Respondents have now notified Guardant

¹ The FTC issued a Civil Investigative Demand to Guardant on December 17, 2020. Illumina, Inc. (“Illumina”) and GRAIL, Inc. (“GRAIL”) (Illumina and GRAIL together, “Respondents”) issued a Rule 35 Subpoena to Guardant on April 7, 2021, and the FTC issued a Rule 35 Subpoena to Guardant on April 27, 2021. The FTC also issued a Subpoena *Ad Testificandum* to Guardant on December 29, 2020. Respondents issued Rule 45 Subpoenas to Guardant on April 19, 2021 and April 30, 2021, and the FTC issued Rule 45 Subpoenas to Guardant on April 23, 2021 and May 5, 2021 in the above-captioned matter.

that they intend to introduce the Confidential Documents into evidence at the administrative trial in this matter. *See* Letter from the FTC dated July 26, 2021 and Email from Respondents dated July 26, 2021 (attached hereto as Exhibits A and B). All the Confidential Documents were designated as “Confidential Material” pursuant to the Protective Order in this matter.²

Guardant is a third party to this litigation, and the Confidential Documents and the material contained therein—many of which relate to Guardant’s plans, product designs, and strategies for its ongoing development of a multi-cancer early detection test, a highly complex product that has not yet been commercially released—are maintained in confidence by Guardant and would not have been exposed to the risk of being made public but for the subpoenas and civil investigative demand to which Guardant responded in this case. Guardant has closely reviewed every proposed trial exhibit the FTC and Respondents have identified, and Guardant limits its request for *in camera* treatment to those exhibits (or portions of exhibits) that contain confidential and competitively sensitive business information. If such information were published as part of the public record, that would result in the public, Guardant’s competitors, and companies with which Guardant does business gaining access to Guardant’s most competitively sensitive information, significantly harming Guardant’s ability to compete. In support of this motion, Guardant provides the accompanying declaration of Kim Moore, Vice President of IP Litigation and Licensing at Guardant attached as Exhibit C (“Moore Declaration” or “Moore Decl.”), which provides additional details concerning the information contained in the Confidential Documents for which Guardant is seeking *in camera* treatment.

² For the avoidance of doubt, Guardant also requests that all *in camera* material remain subject to the restrictions outlined in the Protective Order. *See Altria Group and JUUL Labs, Inc.*, FTC Dkt. 9393 at 13 (May 26, 2021).

I. The Confidential Documents

The FTC and Respondents have informed Guardant that they intend to offer a collective total of 86 exhibits of Guardant’s documents, including five transcripts of oral testimony given by several of Guardant’s senior executives, as exhibits in this administrative trial.^{3 4} Of these exhibits, Guardant seeks full or partial *in camera* treatment for 69 exhibits (including portions of the five transcripts), as outlined in the Moore Decl. ¶¶ 10–17 and Exhibit D. Copies of these Confidential Documents are attached as Exhibit E.

II. Legal Standard for *In Camera* Treatment

In camera treatment is appropriate when “public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting *in camera*

³ The FTC notified Guardant that it intends to introduce 37 Confidential Documents, including five transcripts. Respondents have notified Guardant that they intend to introduce 58 Confidential Documents, including three transcripts. Nine exhibits—including three transcripts—are exact overlaps between the parties, resulting in a de-duplicated, collective total of 86 unique exhibits. See Exhibit A and Exhibit B. The nine exactly overlapping exhibits are (1) PX8305/GH_000001681–GH_000002120; (2) PX8309/GH_000006705–GH_000006724; (3) PX8313/GH_000006254–GH_000006494; (4) PX8314/GH_00000658 –GH_000006588; (5) PX8498/GH_000008731–GH_000008735; (6) PX8523/GH_000014534–GH_000014561; (7) PX7090/Nitin Sood Deposition Transcript; (8) PX7100/Darya Chudova Deposition Transcript; and (9) PX7105/William Getty Deposition Transcript. Guardant’s designations for these 9 duplicate exhibits apply to both the FTC’s and Respondents’ exhibits.

⁴ In Respondents’ July 26 Email notifying Guardant of the Guardant materials that Respondents intend to designate as trial exhibits, Respondents listed 58 unique documents. Respondents’ email purports to also provide notice of Respondents’ potential use of “any associated family members” of the 58 exhibits included on the list as trial exhibits. See Exhibit B. To avoid undue burden on a third party, Guardant has limited the *in camera* designations it requests in this motion and accompanying exhibits to the collective 86 exhibits for which the FTC and Respondents have specifically provided notice. See *id.* To the extent that Respondents intend to introduce as trial exhibits any family members not specifically identified on Respondents’ list of 58 exhibits, Guardant reserves the right to seek *in camera* treatment for any such unlisted family members.

treatment or after finding that the material constitutes sensitive personal information.” 16 C.F.R. § 3.45(b). In order to receive *in camera* treatment, the requesting party must “make a clear showing that the information concerned is sufficiently secret and sufficiently material to their business that disclosure would result in serious competitive injury.” *Otto Bock HealthCare N.A., Inc.*, 2018 FTC LEXIS 123 at *2 (July 2, 2018) (quoting *General Foods Corp.*, 1980 FTC LEXIS 99 at *10 (Mar. 10, 1980)); *North Texas Specialty Physicians*, 2004 FTC LEXIS 109 at *3–4 (Apr. 23, 2004). A common example of such “clearly defined, serious injury” is the “likely loss of business advantages.” *Dura Lube Corp.*, 1999 FTC LEXIS 255 at *7 (Dec. 23, 1999).

When weighing the secrecy and materiality of third party materials under the *General Foods* standard, Courts may consider the following factors: “(1) the extent to which information is known outside of [the] business; (2) the extent to which [the information] is known by employees and others involved in [the] business; (3) the extent of measures taken...to guard the secrecy of the information; (4) the value of the information to [the business and its] competitors; (5) the amount of effort or money expended...in developing the information; [and] (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.” *Bristol-Myers Co.*, 1977 FTC LEXIS 25 at *5 (Nov. 11, 1977) (internal citation omitted); *General Foods Corp.*, 1980 FTC LEXIS 99 at *9–10 (Mar. 10, 1980)).

Third-party materials that routinely meet the standard for *in camera* treatment include competitively sensitive business documents such as financial and sales data, development and marketing strategies, detailed information concerning business operations, distribution strategies, customer names and relationships, and information regarding the business relationship between the third-party and respondent(s). *See Altria Group*, FTC Dkt. 9393 at 6–9 (granting *in camera* treatment of such types of competitively sensitive third-party materials for a period of five

years); *see also* *1-800-Contacts, Inc.*, 2017 FTC LEXIS 55 at *8–35 (Apr. 24, 2017) (granting third-party requests for *in camera* treatment of competitively sensitive documents such as those containing competitive assessments, customer and supplier data, market data and indicators, and financial metrics for a period of five years); *North Texas Specialty Physicians*, 2004 FTC LEXIS 109 at *5–21 (granting third-party requests for *in camera* treatment of competitively sensitive documents such as those that discuss negotiating strategies, internal business analyses, and names and rankings of customers). When requests for *in camera* treatment of confidential business information are granted, such requests are “typically provided for two to five years.” *Otto Bock*, 2018 FTC LEXIS 123 at *7.

III. Disclosure of the Confidential Documents Would Cause Guardant Serious Competitive Injury

Policy considerations and this Court’s precedents support Guardant’s narrowly tailored request to have its Confidential Documents “be protected insofar as possible.” *H.P. Hood & Sons, Inc.*, 1961 FTC LEXIS 368 at *4–5, *12–13 (Mar. 14, 1961) (acknowledging the well-established principle that courts generally attempt “to protect confidential business information from unnecessary airing”). To begin with, Guardant’s request for *in camera* treatment of competitively sensitive information covers only the specific material that, if publicly disclosed, would cause Guardant serious competitive harm. *See Unocal*, 2004 FTC LEXIS 197, *4-5 (Nov. 22, 2004) (requiring that requests for *in camera* treatment be for only pages of documents or transcripts that contain confidential information). Guardant has carefully reviewed all 86 proposed trial exhibits to limit its request to exhibits—and in many cases specific pages or lines of those exhibits—that would cause serious competitive harm to Guardant if publicly disclosed in the course of this litigation. Of the 86 proposed exhibits, Guardant requests full *in camera* treatment for 50 exhibits, partial *in camera* treatment for another 19 exhibits, and is not seeking *in*

camera treatment for 17 exhibits. *In camera* treatment of these exhibits is necessary to protect highly sensitive information such as Guardant’s marketing and distribution plans, information on its relationship with Respondents, financial data, business strategies, and competitive analyses. *See* Moore Decl. at ¶¶ 5, 10–17 and Exhibit D and Exhibit E.

The factors that this court routinely considers when determining the secrecy and materiality of confidential information clearly support *in camera* treatment here. Guardant operates in an intensely competitive environment in which public disclosure of Guardant’s confidential business information—which Guardant has spent hundreds of millions of dollars over many years to develop—would seriously undermine Guardant’s ability to continue as an effective competitor in the precision oncology field. *See* Moore Decl. at ¶¶ 6, 8. To prevent external disclosure, Guardant utilizes a state-of-the-art network security system. Guardant also closely protects its confidential material internally, limiting the dissemination and distribution of confidential information to those with a need to know, including at times even limiting access to members of Guardant’s senior leadership team. *See* Moore Decl. at ¶ 7.

Further, Guardant has spent many hundreds of millions of dollars over the course of many years conducting cutting-edge research to develop its blood-based cancer tests. These research and development efforts are central to Guardant’s value as a business. Any disclosure of Guardant’s confidential business information, such as that contained in the Confidential Documents, would provide an unwarranted advantage for Guardant’s competitors like GRAIL and would seriously damage Guardant’s competitive position in the marketplace. *See* Moore Decl. at ¶¶ 6, 8. Based on the highly sensitive nature of the information for which Guardant seeks *in camera* treatment and the magnitude of competitive harm that Guardant would suffer if that

information was publicly disclosed, Guardant seeks *in camera* treatment of the information for a period of five years.

The danger to Guardant from the disclosure of its confidential information is highlighted by the fact that Illumina is the sole supplier of the next-generation genetic sequencing systems upon which Guardant's blood-based cancer tests rely, and GRAIL is a head-to-head competitor with Guardant. Moreover, Guardant's status as a third party to these proceedings makes Guardant's request for *in camera* treatment worthy of "special solicitude." *The Crown Cork & Seal Co.*, 1967 FTC LEXIS 128 at *2 (June 26, 1967); *ProMedica Health Sys., Inc.*, 2011 FTC LEXIS 101 at *4 (May 25, 2011); *see also Kaiser Aluminum & Chem. Corp.*, 1984 FTC LEXIS 60 at *2-3 (May 25, 1984) (recognizing that policy dictates granting third parties' requests for *in camera* treatment because such treatment "encourages cooperation with future adjudicative discovery requests").

If not for the FTC's investigation and the compulsory process issued to Guardant in the course of that investigation, Guardant would not have produced any of the material contained in the Confidential Documents. And Guardant agreed to provide the Confidential Documents and testimony on the express understanding that they would be kept confidential. For example, when producing Confidential Documents to Respondents in response to their subpoena, Guardant did so only after designating the documents as "Confidential Material" under the Protective Order entered in this matter. Guardant also designated each of its transcripts as "Confidential Material."

Guardant also respectfully requests indefinite *in camera* treatment for a limited amount of sensitive personal information. Specifically, document PX7040 contains the witness's personal address and the names of his family members, and none of that information is relevant to his role at Guardant or to this litigation. *See* 16 C.F.R. § 3.45(b)(3); *see also, e.g., Altria Group*,

FTC Dkt. 9393 at 4, 7 (recognizing that information such as private addresses constitutes sensitive personal information and qualifies for permanent *in camera* treatment).

Given the highly confidential, proprietary, and material nature of the information in the Confidential Documents, Guardant's request for *in camera* treatment of the Confidential Documents as described in Exhibit D is necessary and appropriate.

IV. Conclusion

For the reasons set forth above and in the accompany exhibits, Guardant respectfully requests that this court (1) protect Guardant's competitively sensitive business information by granting *in camera* treatment for the Confidential Documents for a period of five years from the date of this order as described in Exhibit D and (2) grant indefinite *in camera* treatment for a witness's sensitive personal information that appears in document PX7040 and as reflected in the redactions described in Exhibit D and provided in Exhibit E.

Respectfully submitted,

Dated: August 5, 2021

/s/ Renata Hesse
Renata B. Hesse
SULLIVAN & CROMWELL LLP
1700 New York Avenue, N.W. Suite 700
Washington, District of Columbia 20006
Telephone: (202) 956-7000
Facsimile: (202) 293-6330
hesser@sullcrom.com

Counsel for Non-Party Guardant Health, Inc.

EXHIBIT A

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580

Bureau of Competition
Mergers I Division

July 26, 2021

VIA EMAIL TRANSMISSION

Guardant Health, Inc.
c/o Sophia A. Vandergrift
Sullivan & Cromwell LLP
1700 New York Avenue, N.W. Suite 700
Washington, DC 20006-5215
vandergrifts@sullcrom.com

RE: *In the Matter of Illumina, Inc., and GRAIL, Inc., Docket No. 9401*

Dear Ms. Vandergrift:

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intends to offer the documents and testimony referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. For your convenience, a copy of the documents and testimony will be sent to you in a separate email with an FTP link.

The administrative trial is scheduled to begin on August 24, 2021. All exhibits admitted into evidence become part of the public record unless Chief Administrative Law Judge D. Michael Chappell grants *in camera* status (i.e., non-public/confidential).

For documents or testimony that include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R. §§ 3.45 and 4.10(g). If you do not file an *in camera* motion, your documents will not receive *in camera* treatment and may be publicly disclosed. Judge Chappell may order that materials be placed *in camera* only after finding that their public disclosure will likely result in a clearly-defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re Otto Bock Healthcare N. Am.*, 2018 WL 3491602 at *1 (July 2, 2018); and *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the material. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (Apr. 23, 2004). For your convenience, we included, as links in the cover email, an example of a third-party motion (and the accompanying declaration or affidavit) for *in camera* treatment that was filed

and granted in an FTC administrative proceeding. If you choose to move for *in camera* treatment, you must provide a copy of the document(s) for which you seek such treatment to the Administrative Law Judge.

Also, please be advised, if you intend to file an *in camera* motion, you will need credentials for the Commission's electronic filing system and a Notice of Appearance. The Notice of Appearance must be approved by the Office of the Secretary and can take up to twenty-four ("24") hours to issue. As such, you will need to file your Notice of Appearance at least one day prior to the day on which you intend to file your *in camera* motion. I have attached an e-filing checklist to assist with this process.

Please be aware that under the current Scheduling Order **the deadline for filing motions seeking *in camera* treatment is August 5, 2021**. A copy of the April 26, 2021 Scheduling Order can be found at <https://www.ftc.gov/enforcement/cases-proceedings/201-0144/illumina-inc-grail-inc-matter>. If you have any questions, please feel free to contact me at 202-326-3455.

Sincerely,

/s/ Sarah Wohl

Sarah Wohl

Counsel Supporting the Complaint

Attachment

Attachment A

Exhibit No.	Bates - Begin	Bates - End	Date	Full Name
PX0037	PX0037-001	PX0037-011	1/10/2016	Document: Grail Investor Call Script
PX7040	PX7040-001	PX7040-083	2/11/2021	IH Transcript: William Getty (Guardant)
PX7045	PX7045-001	PX7045-054	2/24/2021	IH Transcript: Darya Chudova (Guardant)
PX7090	PX7090-001	PX7090-070	5/27/2021	Depo Transcript: Nitin Sood (Guardant)
PX7100	PX7100-001	PX7100-094	6/2/2021	Depo Transcript: Darya Chudova (Guardant)
PX7105	PX7105-001	PX7105-122	6/3/2021	Depo Transcript: William Getty (Guardant)
PX8305	GH_000001681	GH_000002120	11/??/20	Presentation: Guardant Health Q3 2020 BOD Meeting, November 2020
PX8306	GH_000006253	GH_000006253	1/8/2021	Presentation: Guardant 360 CDx - PMA Submission Timeline
PX8307	GH_000006580	GH_000006580	1/21/2021	Spreadsheet: GH PO Details Report for Finance
PX8309	GH_000006705	GH_000006724	1/14/2021	Presentation: LUNAR2 Timelines/Update/2021 Planning
PX8310	GH_000006801	GH_000006801	1/28/2021	Spreadsheet: Guardant Product Overview
PX8311	GH_000006819	GH_000006819	1/31/2021	Presentation: Guardant Billing and Reimbursement Overview, Q1 2021
PX8312	GH_000002506	GH_000002691	5/9/2019	Presentation: Guardant Health BOD Meeting, May 2019
PX8313	GH_000006254	GH_000006494	1/8/2021	Document: Attachment 6-1, Background Information on Liquid Biopsy for NGS Tests
PX8314	GH_000006588	GH_000006588	12/??/20	Presentation: Multi-Cancer Screening, December 2020
PX8315	GH_000006803	GH_000006817	4/1/2019	Document: HHS Public Access, Overview of Next Generation Sequencing Technologies
PX8316	GH_000000001	GH_000000075	12/21/2020	Document: SUMMARY OF SAFETY AND EFFECTIVENESS DATA (SSED)
PX8346	GH_000002257	GH_000002505	3/20/2019	Presentation: Guardant Health BOD Meeting, March 20, 2019
PX8474	GH_000007777_R	GH_000007968_R	8/7/2020	Email from Bill Getty to DL-EMT re: LRP Roadmap Decks w/ Attach: EMT Aug 7th 2021-2024 LRP Product Roadmap Oncology Market Working DRAFT V1.9 - Read-Only.pdf; 2020Aug07_L2 LRP EMT Presentation.pdf; 200807 BioPharma LRP Strategic Plan vEMT Workshop.pdf
PX8495	GH_000010475	GH_000010482	2/1/2021	Email from Bill Getty to Kathryn Lang, Darya Chudova, and Jennifer Higgins re: EPC Deck for Next Week w/ Attach: EPC 2_3 In Person Meeting V1 .pptx
PX8496	GH_000013176	GH_000013178	11/4/2020	Email from Saini Rohit to Matthew Doherty et al. re: Customer Notification: End of Life for the NovaSeq TM 6000 v1.0 Reagent Kits (P0N2020-1012)
PX8498	GH_000008731	GH_000008735	10/30/2020	Email from Bill Getty to Mort Minaee, Darl Moreland, Sven Duenwald, and Kathryn Lang re: BDD Discussion notes
PX8499	GH_000008990	GH_000008907	6/1/2020	Email from Bill Getty to Helmy Eltoukhy re: LUNAR2 Business Review w/ Attach: 2005 L2 Business review #1 FINAL with pre-read - Read-Only.pptx
PX8501	GH_000009376	GH_000009377	9/10/2020	Email from Bill Getty to Mark McCoy re: Grail S1 reimbursement plan
PX8502	GH_000009401	GH_000009404	9/11/2020	Email from Bill Getty to Mark McCoy re: Grail S1 reimbursement plan

Exhibit No.	Bates - Begin	Bates - End	Date	Full Name
PX8503	GH_000009446	GH_000009514	10/19/2020	Email from Bill Getty to Amir Ali Talasaz, Nitin Sood, and Daniel Simon re: August SMT Offsite LRP Decks w/ Attach: 2021-2024 LRP Product Roadmap Oncology Market Working DRAFT V1.10 - Read-Only.pdf; 200821 BioPharma LRP Strategic Plan SMT Summary.pdf
PX8504	GH_000010208	GH_000010283	1/25/2021	Email from Bill Getty to Jennifer Higgins re: Notes on EPC members w/ Attach: EPC Corp Overview v1 .pptx; EPC Multi Cancer Overview V1.pptx; EPC Working Deck CRC Overview V1.pptx
PX8505	GH_000010340	GH_000010352	1/28/2021	Email from Bill Getty to Darya Chudova and Kathryn Lang re: Guardant Executive Policy Council - Feb 3 Pre-Read Materials w/ Attach: EPC Corp Overview FINAL .pptx; EPC CRC Overview FINAL.pptx; EPC Multi Cancer Overview FINAL.pptx
PX8506	GH_000010357	GH_000010360	1/28/2021	Email from Bill Getty to Helmy Eltoukhy re: Comparisons to Grail/Thrive and Calculated Sensitivity across Tumor Types w/ Attach: Competition Comparison V1 - Read-Only.pptx; Screen Shot 2021-01-28 at 9.04.15 AM.png; Screen Shot 2021-01-28 at 9.05.05 AM.png
PX8507	GH_000010627	GH_000010629	2/4/2021	Email from Kate Dennis to Seth Schachter, Ghislain de Jamblinne, Bill Getty, and Victoria Raymond re: Screening Competitive Landscape w/ Attach: Competitor_Tracking_2021.pptx
PX8508	GH_000011457	GH_000011463	9/1/2020	Email from Nitin Sood to Darya Chudova re: [Confluence] DRI Weekly Updates > DRI Updates
PX8520	GH_000009195	GH_000009201	7/16/2020	Email from Bill Getty to Jessica Subrammanian re: LRP dx testing follow up w/ Attach: LRP 2020 Portfolio Differentiation_v1.1 - Read-Only.pptx
PX8521	GH_000009218	GH_000009219	7/30/2020	Email from Victoria Raymond to Dana Hermansen, Bill Getty, Nitin Sood, and Daniel Simon re: L2 Workstream Exec Summary Slide for Friday w/ Attach: 2020JUL31_L2 LRP Workstream_Executive Update. pptx
PX8523	GH_000014534	GH_000014561	3/18/2021	Document: Pre-Submission for Breakthrough Device Designation Request, Guardant Multi-Cancer Test
PX8633	GH_000011031_R	GH_000011072_R	3/29/2021	Email from John Saia to Amir Ali Talasaz, Helmy Eltoukhy, Kim Moore et al. re: Open Offer Letter w/ Attach: Open Offer Letter to Guardant -- 3.29.2021[2].pdf
PX9066	PX9066-001	PX9066-010	12/10/2020	Document: Citi, Takeaways from Meeting with Grail & ILMN Mgmt: Upcoming Catalysts in Liquid Biopsy
PX9068	PX9068-001	PX9068-030	10/27/2020	Presentation: Guardant, Illumina/GRAIL Transaction, Discussion with the Federal Trade Commission

EXHIBIT B

Black, Caroline M.L.

From: Molly Jamison <mjamison@cravath.com>
Sent: Monday, July 26, 2021 5:16 PM
To: Hesse, Renata; Vandergrift, Sophia A.; Black, Caroline M.L.; Holley, Steven L.; Bock, Karl L.
Cc: zzExt-rstark; zzExt-mzaken; Xhesi Hysi
Subject: [EXTERNAL] In the Matter of Illumina Inc. and GRAIL Inc., Docket No. 9401

Counsel,

As part of the Administrative Trial for *In the Matter of Illumina, Inc. & Grail, Inc.* (Dkt. No. 09401) set to begin on August 24, we have submitted a proposed list of documents and testimony we intend to use as trial exhibits. This list includes third party documents and testimony that have been designated confidential under the protective order entered by the Administrative Law Judge.

Per our obligation under the Scheduling Order, we are providing you with notice that we intend to use the documents and any associated family members produced by Guardant Health, Inc. (“Guardant”) and testimony provided by Guardant witnesses listed below as trial exhibits, pursuant to 16 C.F.R. § 3.45(b).

Under 16 C.F.R. § 3.45(b), if you wish, you may move the Administrative Law Judge to obtain in camera treatment for the documents and testimony listed below. Please note that the deadline for filing such a motion is August 5, 2021, and note the following information set forth in the Scheduling Order about the content of any such motion:

[There are] strict standards for motions for in camera treatment for evidence to be introduced at trial set forth in 16 C.F.R. § 3.45, explained *In re Otto Bock Healthcare N. Am.*, 2018 WL 3491602 at *1 (July 2, 2018); and *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (Apr. 4, 2017). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (Apr. 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (Apr. 23, 2004). Each party or non-party that files a motion for in camera treatment shall provide one copy of the documents for which in camera treatment is sought to the Administrative Law Judge.

Scheduling Order ¶ 12.

Please confirm receipt of this notice.

Thanks,
 Molly

Molly M. Jamison
 Cravath, Swaine & Moore LLP
 825 Eighth Ave.
 New York, NY 10014
 (212) 474-1110

Documents	
GH_000001681	GH_000010378
GH_000002182	GH_000010550
GH_000006254	GH_000010555
GH_000006588	GH_000010567

GH_00006589	GH_000011031_R
GH_00006705	GH_000011033_R
GH_00006725	GH_000011983
GH_00006734	GH_000012688
GH_00006774	GH_000012690
GH_00006802	GH_000012721
GH_00006856	GH_000012723
GH_00007025	GH_000012724
GH_00007425	GH_000012842
GH_00007443	GH_000012973
GH_00007489	GH_000012974
GH_00007490	GH_000013011
GH_00007591	GH_000013056
GH_00007864_R	GH_000013115
GH_00008161_R	GH_000014340
GH_00008162_R	GH_000014475
GH_00008191_R	GH_000014534
GH_00008210_R	GH_000014562
GH_00008336	GH_000009351
GH_00008352	GH_000009441
GH_00008714	GH_000009518
GH_00008731	GH_000009659
GH_00008850	GH_000010357
GH_00009201	GH_000009441
Testimony	
Deposition Transcript of Nitin Sood	
Deposition Transcript of Darya Chudova	
Deposition Transcript of William Getty	

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

****This is an external message from: prvs=5841a6c49f=mjamison@cravath.com ****

EXHIBIT C

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

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

**DECLARATION OF KIM MOORE IN SUPPORT OF NON-PARTY
GUARDANT HEALTH, INC.’S MOTION FOR *IN CAMERA* TREATMENT**

I, Kim Moore, hereby declare as follows:

1. I am Vice President of IP Litigation and Licensing for Guardant Health, Inc. (“Guardant”). I make this declaration in support of Non-Party Guardant’s Motion for *In Camera* Treatment (the “Motion”). I have personal knowledge of the matters stated herein and, if called upon to do so, could competently testify about them.

2. I have reviewed and am familiar with the documents Guardant produced in response to the Federal Trade Commission’s (“FTC”) Civil Investigative Demand issued to Guardant on December 17, 2020, the Rule 35 Subpoena of Illumina, Inc. (“Illumina”) and GRAIL, Inc. (“GRAIL”) (Illumina and GRAIL together, “Respondents”) issued to Guardant on April 7, 2021, and the FTC’s Rule 35 Subpoena issued to Guardant on April 27, 2021. I am also familiar with the testimony that certain Guardant senior executives gave pursuant to the FTC’s Subpoena *Ad Testificandum* issued to Guardant on December 29, 2020, Respondents’ Rule 45 Subpoenas issued to Guardant on April 19, 2021 and April 30, 2021, and the FTC’s Rule 45 Subpoenas issued to Guardant on April 23, 2021 and May 5, 2021 in the above-captioned matter. I have provided a

certification of authenticity as to the 37 exhibits the FTC has noticed it intends to offer as trial exhibits, which comprise a number of the exhibits that are the subject of the Motion.

3. Given my position at Guardant, I am familiar with the type of information contained in the exhibits that the FTC and Respondents have each notified Guardant that they each intend to offer as exhibits at the upcoming administrative trial, particularly the exhibits for which Guardant seeks *in camera* treatment (the “Confidential Documents”). Based on my review of the Confidential Documents, my knowledge of Guardant’s business, and my familiarity with the confidentiality protection Guardant affords this type of information, I can confirm that disclosure of the Confidential Documents to the public, Guardant’s competitors, and companies with which Guardant does business would cause serious competitive injury to Guardant.

4. Guardant is a leading precision oncology company focused on helping conquer cancer globally through the use of its proprietary blood-based tests, data sets, and advanced analytics. Guardant believes that the key to conquering cancer is unprecedented access to molecular information throughout all stages of the disease, which Guardant intends to enable through a routine blood draw, or liquid biopsy. In pursuit of Guardant’s goal to manage cancer across all stages of the disease, Guardant has launched its Guardant360, Guardant360 CDx, and GuardantOMNI liquid biopsy-based tests for advanced stage cancer; its Guardant360 TissueNext, a tissue genotyping product; and its Guardant Reveal liquid biopsy-based test for residual and recurring cancer, which is initially targeted at Stage II–III colorectal cancer. Guardant is also currently developing its LUNAR-2 program, which aims to detect early-stage cancer in screen-eligible asymptomatic adults from a simple blood draw, which is also initially targeting the detection of early stage colorectal cancer. All of these tests are based on Illumina’s Next

Generation Sequencing systems, which is the only genetic sequencing technology available that meets Guardant's needs for specificity and selectivity at a commercially viable cost.

5. In its pursuit of its goal to help conquer cancer globally, Guardant relies on intensive research and development ("R&D") activities. In the course of that R&D, Guardant develops a large amount of competitively sensitive business information. Such information includes testing designs and configurations, business plans, marketing strategies, competitive reviews, and financial data and projections. Guardant goes to great lengths to protect its competitively sensitive confidential information from disclosure, including through the use of state-of-the-art network security systems. If any of Guardant's competitively sensitive confidential information were to be publicly disclosed, Guardant would suffer serious (and irreparable) competitive harm. Guardant's competitors would gain unfair insight into Guardant's product development plans and could use Guardant's confidential information to undercut Guardant's competitive efforts.

6. The context of this litigation heightens Guardant's concerns about misuse of its confidential information. Illumina is Guardant's sole supplier of critical inputs to its blood-based cancer tests, and GRAIL and Guardant are head-to-head competitors in developing and marketing such tests. Respondents individually and/or as a merged firm would have the incentive and ability to use Guardant's competitively sensitive information to Guardant's detriment, seriously impeding Guardant's efforts to compete with GRAIL. Restricting access to Guardant's confidential information contained in the Confidential Documents is necessary to prevent Guardant's competitors (including GRAIL) and counterparties with which Guardant negotiates—particularly Illumina—from gaining an unfair advantage over Guardant.

7. Competitively sensitive information like that contained in the Confidential Documents is maintained in confidence in the ordinary course of Guardant's business and not widely disseminated even within Guardant. Rather, Guardant limits internal access to competitively sensitive information on a need-to-know basis, and the majority of the Confidential Documents were shared only with certain senior executives at Guardant.

8. The information contained in the Confidential Documents is material to Guardant's business. Guardant has spent hundreds of millions of dollars over many years developing its products and creating the business data, strategic plans, R&D programs, and proprietary technical specifications that are discussed in the Confidential Documents. Such information is crucial to Guardant's efforts to develop cutting-edge blood-based cancer tests that have the potential to revolutionize cancer care in the United States and around the world.

9. The FTC and Respondents have informed Guardant that they intend to use a collective total of 86 exhibits of documents that Guardant produced during the FTC's investigation as trial exhibits in this litigation. Of these 86 exhibits, 50 are particularly sensitive and should be withheld from public disclosure in their entirety for a period of five years. An additional 19 exhibits contain competitively sensitive information that, if publicly disclosed, would cause serious harm to Guardant and should therefore be redacted to prevent such information from being publicly disclosed for a period of five years. These Confidential Documents are described in Exhibit D and copies are provided in Exhibit E.

10. Based on my review, the Confidential Documents that warrant *in camera* treatment contain four primary categories of confidential and competitively sensitive information (or some combination thereof): (a) documents regarding the regulatory status of Guardant's tests, including regulatory applications and approvals; (b) documents discussing sensitive details of

Guardant’s business operations; (c) documents discussing Guardant’s business strategies and product development and commercialization plans, and (d) testimony of Guardant senior executives discussing the foregoing sensitive topics. All of these documents contain information that is confidential and competitively sensitive as well as material to Guardant’s business. The competitive significance of these documents is unlikely to decrease for at least five years, for the reasons discussed in more detail below.

A. Category (a): Documents regarding Guardant’s regulatory relationships, including regulatory applications and approvals

11. The materials identified in Category (a) consist of confidential information relevant to Guardant’s relationships with, strategies toward, and approvals from relevant regulators. These exhibits are:

Exhibit No.	Date	Beginning Bates No.	Ending Bates No.
<i>Full In Camera Treatment</i>			
PX8523	03/18/2021	GH_000014534	GH_000014561
N/A	09/24/2020	GH_000006725	GH_000006725
N/A	10/15/2020	GH_000009441	GH_000009445
N/A	11/05/2020	GH_000009659	GH_000009663
N/A	04/13/2021	GH_000014562	GH_000014566
<i>Partial In Camera Treatment</i>			
PX8306	01/08/2021	GH_000006253	GH_000006253
PX8311	01/31/2021	GH_000006819	GH_000006819
PX8313	01/08/2021	GH_000006254	GH_000006494

12. Confidential Documents in Category (a) contain information regarding Guardant’s analyses of which regulatory approvals to seek for its tests and when to do so; Guardant’s anticipated timelines for seeking and obtaining regulatory approvals, and Guardant’s applications to the Federal Drug Administration (“FDA”) and the FDA’s responses to those applications. These documents provide detailed information about Guardant’s cutting-edge R&D efforts as well as its proprietary processes and technical specifications. The documents also

include confidential information about ongoing and anticipated clinical trials and the timelines on which Guardant expects to seek and obtain various regulatory approvals. Such information, if publicly disclosed, would cause Guardant serious competitive harm.

B. Documents discussing Guardant’s business operations

13. The materials identified in Category (b) consist of confidential information related to Guardant’s most sensitive business data. These exhibits are:

Exhibit No.	Date	Beginning Bates No.	Ending Bates No.
<i>Full In Camera Treatment</i>			
PX8305	11/2020	GH_000001681	GH_000002120
PX8307	01/21/2021	GH_000006580	GH_000006580
PX8312	05/09/2019	GH_000002506	GH_000002691
PX8346	03/29/2019	GH_000002257	GH_000002505
N/A	12/2020	GH_000002182	GH_000002256
N/A	11/17/2020	GH_000006734	GH_000006757
N/A	09/21/2020	GH_000012973	GH_000012973
N/A	09/21/2020	GH_000012974	GH_000012974
N/A	09/28/2020	GH_000013056	GH_000013056
<i>Partial In Camera Treatment</i>			
N/A	03/23/2021	GH_000011983	GH_000011983

14. The Category (b) materials contain highly sensitive information concerning Guardant’s financial metrics, including actual and estimated costs, projected revenues, and margins. The public disclosure of this type of detailed financial data would cause Guardant serious competitive harm. Guardant’s competitors like GRAIL could use such information to undercut Guardant’s products in the marketplace. Such information would also allow Guardant suppliers like Illumina to take advantage of Guardant in future negotiations.

C. Documents discussing Guardant’s strategies and plans

15. The materials identified in Category (c) consist of confidential information related to Guardant’s strategic plans, product development and commercialization plans, and assessments of competitors. These documents are:

Exhibit No.	Date	Beginning Bates No.	Ending Bates No.
<i>Full In Camera Treatment</i>			
PX8309	09/25/2020	GH_000006705	GH_000006724
PX8310	01/28/2021	GH_000006801	GH_000006801
PX8314	12/2020	GH_000006588	GH_000006588
PX8474	08/07/2020	GH_000007777_R	GH_000007968_R
PX8495	02/01/2021	GH_000010475	GH_000010482
PX8498	10/30/2020	GH_000008731	GH_000008735
PX8499	06/01/2020	GH_000008990	GH_000008907
PX8503	10/19/2020	GH_000009446	GH_000009514
PX8506	01/28/2021	GH_000010357	GH_000010360
PX8507	02/04/2021	GH_000010627	GH_000010629
PX8508	09/01/2020	GH_000011457	GH_000011463
PX8520	07/16/2020	GH_00009195	GH_000009201
PX8521	07/30/2020	GH_000009218	GH_000009219
PX9068	10/27/2020	PX9068-001	PX9068-030
N/A	09/14/2019	GH_000007025	GH_000007055
N/A	05/11/2020	GH_000007425	GH_000007425
N/A	05/11/2020	GH_000007443	GH_000007443
N/A	06/01/2020	GH_000007489	GH_000007489
N/A	05/11/2020	GH_000007490	GH_000007490
N/A	06/24/2020	GH_000007591	GH_000007591
N/A	08/07/2020	GH_000007864_R	GH_000007942_R
N/A	08/13/2020	GH_000008162_R	GH_000008190_R
N/A	08/21/2020	GH_000008191_R	GH_000008209_R
N/A	08/21/2020	GH_000008210_R	GH_000008311_R
N/A	11/12/2020	GH_000008850	GH_000008853
N/A	07/16/2020	GH_000009201	GH_000009201
N/A	08/13/2020	GH_000009351	GH_000009351
N/A	08/13/2020	GH_000009518	GH_000009556
N/A	01/28/2021	GH_000010357	GH_000010357
N/A	01/29/2020	GH_000010378	GH_000010380
N/A	06/17/2020	GH_000012690	GH_000012690
N/A	07/01/2020	GH_000012723	GH_000012723
N/A	07/01/2020	GH_000012724	GH_000012724
N/A	09/24/2020	GH_000013011	GH_000013012
N/A	10/16/2020	GH_000013115	GH_000013120
N/A	04/07/2021	GH_000014475	GH_000014475
<i>Partial In Camera Treatment</i>			
PX8496	11/04/2021	GH_000013176	GH_000013178
PX8501	09/10/2020	GH_000009376	GH_000009377
PX8502	09/11/2020	GH_000009401	GH_000009404
PX8504	01/25/2021	GH_000010208	GH_000010283
PX8505	01/28/2021	GH_000010340	GH_000010352
N/A	09/09/2020	GH_000008336	GH_000008337

Exhibit No.	Date	Beginning Bates No.	Ending Bates No.
N/A	09/11/2020	GH_000008352	GH_000008355
N/A	10/27/2020	GH_000008714	GH_000008716
N/A	02/02/2021	GH_000010555	GH_000010555
N/A	02/02/2021	GH_000010567	GH_000010567

16. The documents in Category (c) contain competitively significant information about Guardant's business strategies and its ongoing operations. These documents discuss Guardant's long-range plans and include emails exchanged among members of Guardant's senior management team that address core issues in Guardant's business, including assessments of Guardant competitors like GRAIL. If made public, these documents would reveal Guardant's self-evaluation of its strengths and weaknesses and its internal decision-making processes. Having such information would enable Guardant's competitors to unfairly counter Guardant's business strategies.

D. Testimony of Guardant's senior leadership discussing Categories (a) through (c)

17. In the FTC's investigation and this litigation, three Guardant senior executives testified a total of five times: William Getty, Vice President, Commercial, testified in an investigational hearing and in a deposition, Darya Chudova, Senior Vice President, Technology, also testified in an investigational hearing and a deposition; and Nitin Sood, former Senior Vice President, Product Development, testified in a deposition. These witnesses discussed in great detail about information from each of the three categories discussed above, including confidential and competitively sensitive information about Guardant's strategic plans, R&D programs, clinical testing, regulatory processes, product commercialization timelines, proprietary technical specifications, analyses of the strengths and weaknesses of Guardant and its competitors, and insights into Guardant's business operations. All of this confidential information is material to Guardant's efforts to compete in the precision oncology field. Guardant has carefully reviewed

each of these five transcripts to identify the lines and pages for which Guardant requests *in camera* treatment. Lists of these pages and lines are included in Exhibit D, and copies of the transcripts with proposed redactions are included in Exhibit E.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is correct and true.

Dated: August 4, 2021

Kim Moore

Kim Moore

EXHIBIT D

DOCUMENTS FOR WHICH GUARDANT HEALTH, INC. SEEKS FULL OR PARTIAL *IN CAMERA* TREATMENT

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
<i>Full In Camera Treatment</i>							
1.	Document: Pre-Submission for Breakthrough Device Designation Request, Guardant Multi-Cancer Test	03/18/2021	PX8523	GH_000014534	GH_000014561	A	(in full)
2.	Presentation: Clinical Data Development Plan: Assay Development through Reimbursement	09/24/2020	N/A	GH_000006725	GH_000006725	A	(in full)
3.	Email from Bill Getty to Victoria Raymond re: Multi Cancer Screening	10/15/2020	N/A	GH_000009441	GH_000009445	A	(in full)
4.	Email from Bill Getty to Victoria Raymond re: Assay Performance	11/05/2020	N/A	GH_000009659	GH_000009663	A	(in full)
5.	Document: Letter from the FDA	04/13/2021	N/A	GH_000014562	GH_000014566	A	(in full)
6.	Presentation: Guardant Health Q3 2020 BOD Meeting, November 2020	11/2020	PX8305	GH_000001681	GH_000002120	B	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
7.	Spreadsheet: GH PO Details Report for Finance	01/21/2021	PX8307	GH_000006580	GH_000006580	B	(in full)
8.	Presentation: Guardant Health BOD Meeting, May 2019	05/09/2019	PX8312	GH_000002506	GH_000002691	B	(in full)
9.	Presentation: Guardant Health BOD Meeting, March 20, 2019	03/29/2019	PX8346	GH_000002257	GH_000002505	B	(in full)
10.	Presentation: Board of Directors Meeting	12/2020	N/A	GH_000002182	GH_000002256	B	(in full)
11.	Presentation: LRP Readout – Internal and BOD	11/17/2020	N/A	GH_000006734	GH_000006757	B	(in full)
12.	Email from Angela Lee to Nitin Sood re: HC – MRD World”	09/21/2020	N/A	GH_000012973	GH_000012973	B	(in full)
13.	Presentation: 2021 Budget – MRD Horizon Core [PPT attachment to 12973]	09/21/2020	N/A	GH_000012974	GH_000012974	B	(in full)
14.	Email from Angela Lee to Carlo Artieri, cc Nitin Sood re: 2021 Budget Updated file – dept 416	09/28/2020	N/A	GH_000013056	GH_000013056	B	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
15.	Presentation: LUNAR2 Timelines/Update/2021 Planning	09/25/2020	PX8309	GH_000006705	GH_000006724	C	(in full)
16.	Spreadsheet: Guardant Product Overview	01/28/2021	PX8310	GH_000006801	GH_000006801	C	(in full)
17.	Presentation: Multi-Cancer Screening, December 2020	12/2020	PX8314	GH_000006588	GH_000006588	C	(in full)
18.	Email from Bill Getty to DL-EMT re: LRP Roadmap Decks w/ Attach: EMT Aug 7th 2021-2024 LRP Product Roadmap Oncology Market Working DRAFT V1.9 - Read-Only.pdf; 2020Aug07_L2 LRP EMT Presentation.pdf; 200807 BioPharma LRP Strategic Plan vEMT Workshop.pdf	08/07/2020	PX8474	GH_000007777_R	GH_000007968_R	C	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
19.	Email from Bill Getty to Kathryn Lang, Darya Chudova, and Jennifer Higgins re: EPC Deck for Next Week w/ Attach: EPC 2_3 In Person Meeting V1 .pptx	02/01/2021	PX8495	GH_000010475	GH_000010482	C	(in full)
20.	Email from Bill Getty to Mort Minaee, Darl Moreland, Sven Duenwald, and Kathryn Lang re: BDD Discussion notes	10/30/2020	PX8498	GH_000008731	GH_000008735	C	(in full)
21.	Email from Bill Getty to Helmy Eltoukhy re: LUNAR2 Business Review w/ Attach: 2005 L2 Business review #1 FINAL with pre-read - Read-Only.pptx	06/01/2020	PX8499	GH_000008990	GH_000008907	C	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
22.	Email from Bill Getty to Amir Ali Talasaz, Nitin Sood, and Daniel Simon re: August SMT Offsite LRP Decks w/ Attach: 2021-2024 LRP Product Roadmap Oncology Market Working DRAFT V1.10 - Read-Only.pdf; 200821 BioPharma LRP Strategic Plan SMT Summary.pdf	10/19/2020	PX8503	GH_000009446	GH_000009514	C	(in full)
23.	Email from Bill Getty to Helmy Eltoukhy re: Comparisons to Grail/Thrive and Calculated Sensitivity across Tumor Types w/ Attach: Competition Comparison V1 - Read-Only.pptx; Screen Shot 2021-01-28 at 9.04.15 AM.png; Screen Shot 2021-01-28 at 9.05.05 AM.png	01/28/2021	PX8506	GH_000010357	GH_000010360	C	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
24.	Email from Kate Dennis to Seth Schachter, Ghislain de Jamblinne, Bill Getty, and Victoria Raymond re: Screening Competitive Landscape w/ Attach: Competitor_Tracking_2021.pptx	02/04/2021	PX8507	GH_000010627	GH_000010629	C	(in full)
25.	Email from Nitin Sood to Darya Chudova re: [Confluence] DRI Weekly Updates > DRI Updates	09/01/2020	PX8508	GH_000011457	GH_000011463	C	(in full)
26.	Email from Bill Getty to Jessica Subrammanian re: LRP dx testing follow up w/ Attach: LRP 2020_Portfolio Differentiation_v1.1 - Read-Only.pptx	07/16/2020	PX8520	GH_00009195	GH_000009201	C	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
27.	Email from Victoria Raymond to Dana Hermansen, Bill Getty, Nitin Sood, and Daniel Simon re: L2 Workstream Exec Summary Slide for Friday w/ Attach: 2020JUL31_L2 LRP Workstream_Executive Update.pptx	07/30/2020	PX8521	GH_000009218	GH_000009219	C	(in full)
28.	Presentation: Guardant, Illumina/GRAIL Transaction, Discussion with the Federal Trade Commission	10/27/2020	PX9068	PX9068-001	PX9068-030	C	(in full)
29.	Presentation: LUNAR 2 CRC Screening LRP Deck	09/14/2019	N/A	GH_000007025	GH_000007055	C	(in full)
30.	Presentation: LUNAR-2 Business review	05/11/2020	N/A	GH_000007425	GH_000007425	C	(in full)
31.	Presentation: LUNAR-2 Business review	05/11/2020	N/A	GH_000007443	GH_000007443	C	(in full)
32.	Email from Bill Getty to Helmy Eltoukhy re: LUNAR2 Business Review	06/01/2020	N/A	GH_000007489	GH_000007489	C	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
33.	Presentation: LUNAR-2 Business review	05/11/2020	N/A	GH_000007490	GH_000007490	C	(in full)
34.	Presentation: 2020 PCP Market Competition	06/24/2020	N/A	GH_000007591	GH_000007591	C	(in full)
35.	Presentation: L2 LRP Workstream—EMT Discussion	08/07/2020	N/A	GH_000007864_R	GH_000007942_R	C	(in full)
36.	Presentation: 2021-2025 LRP Product Roadmap: US Clinical Oncology Market	08/13/2020	N/A	GH_000008162_R	GH_000008190_R	C	(in full)
37.	Presentation: BioPharma Strategic Business Plan	08/21/2020	N/A	GH_000008191_R	GH_000008209_R	C	(in full)
38.	Presentation: L2—PCP Workstream	08/21/2020	N/A	GH_000008210_R	GH_000008311_R	C	(in full)
39.	Email from Bill Getty to Kathryn Lang, Sven Duenwald, and Jennifer Higgins re: Please review tonight”	11/12/2020	N/A	GH_000008850	GH_000008853	C	(in full)
40.	Presentation: GH Draft LRP Deck	07/16/2020	N/A	GH_000009201	GH_000009201	C	(in full)
41.	Presentation: 2021-2025 LRP Product Roadmap: US Clinical Oncology Market	08/13/2020	N/A	GH_000009351	GH_000009351	C	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
42.	Presentation: 2021-2025 LRP Product Roadmap: US Clinical Oncology Market	08/13/2020	N/A	GH_000009518	GH_000009556	C	(in full)
43.	Email from Bill Getty to Helmy Eltoukhy re: Comparisons to Grail/Thrive and Calculated Sensitivity across Tumor Types	01/28/2021	N/A	GH_000010357	GH_000010357	C	(in full)
44.	Email from Bill Getty to Helmy Eltoukhy re: Comparisons to Grail/Thrive and Calculated Sensitivity across Tumor Types	01/29/2020	N/A	GH_000010378	GH_000010380	C	(in full)
45.	Presentation: 2021-2024 LRP Situational Analysis: Strategic Questions (Offsite Output)	06/17/2020	N/A	GH_000012690	GH_000012690	C	(in full)
46.	Presentation: 2020 PCP Market Competition	07/01/2020	N/A	GH_000012723	GH_000012723	C	(in full)
47.	Spreadsheet: Test specificity & sensitivity [embedded in GH_000012723]	07/01/2020	N/A	GH_000012724	GH_000012724	C	(in full)

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
48.	Email from Nitin Sood to Carlo Artieri, Kimberly Banks, Christian Lonescu-Zanetti, Adrian Benjamin, Theresa Rich, and Marisa Juntilla FW: EXAS from our liquid biopsy forum	09/24/2020	N/A	GH_000013011	GH_000013012	C	(in full)
49.	Email from Laura Melroy (Confluence) to Darya Chudova re: [Confluence] Lunar > Lunar2 Vendor Management	10/16/2020	N/A	GH_000013115	GH_000013120	C	(in full)
50.	Presentation: Strategic Collaboration Opportunities Meeting	04/07/2021	N/A	GH_000014475	GH_000014475	C	(in full)
<i>Partial In Camera Treatment</i>							
51.	Presentation: Guardant 360 CDx - PMA Submission Timeline	01/08/2021	PX8306	GH_000006253	GH_000006253	A	PX8306-003
52.	Presentation: Guardant Billing and Reimbursement Overview, Q1 2021	01/31/2021	PX8311	GH_000006819	GH_000006819	A	PX8311-007; 012-013

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
53.	Document: Attachment 6-1, Background Information on Liquid Biopsy for NGS Tests	01/08/2021	PX8313	GH_000006254	GH_000006494	A	PX8313-004-008
54.	Presentation: EMT Meeting	03/23/2021	N/A	GH_000011983	GH_000011983	B	Pages 4, 9-10, 18-34
55.	Email from Saini Rohit to Matthew Doherty et al. re: Customer Notification: End of Life for the NovaSeq™ 6000 v1.0 Reagent Kits (P0N2020-1012)	11/04/2021	PX8496	GH_000013176	GH_000013178	C	PX8496-001
56.	Email from Bill Getty to Mark McCoy re: Grail S1 reimbursement plan	09/10/2020	PX8501	GH_000009376	GH_000009377	C	PX8501-001-002
57.	Email from Bill Getty to Mark McCoy re: Grail S1 reimbursement plan	09/11/2020	PX8502	GH_000009401	GH_000009404	C	PX8502-001-004

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
58.	Email from Bill Getty to Jennifer Higgins re: Notes on EPC members w/ Attach: EPC Corp Overview v1.pptx; EPC Multi Cancer Overview V1.pptx; EPC Working Deck CRC Overview V1.pptx	01/25/2021	PX8504	GH_000010208	GH_000010283	C	PX8504-001-007; 031; 040; 044-045
59.	Email from Bill Getty to Darya Chudova and Kathryn Lang re: Guardant Executive Policy Council - Feb 3 Pre-Read Materials w/ Attach: EPC Corp Overview FINAL.pptx; EPC CRC Overview FINAL.pptx; EPC Multi Cancer Overview FINAL.pptx	01/28/2021	PX8505	GH_000010340	GH_000010352	C	PX8505-028; 032-033; 045-046
60.	Email from Ghislain de Jamblinne to Bill Getty and Victoria Raymond re: Grail s1	09/09/2020	N/A	GH_000008336	GH_000008337	C	GH_000008336-8337

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
61.	Email from Bill Getty to Mark McCoy re: Grail S1 reimbursement plan	09/11/2020	N/A	GH_000008352	GH_000008355	C	GH_000008352–8355
62.	Email from Bill Getty to Ghislain de Jamblinne and Kathryn Lange Re: FIT Could Accurately Rule Out CRC in Symptomatic Patients MedPage Today	10/27/2020	N/A	GH_000008714	GH_000008716	C	GH_000008714–8715
63.	Presentation: Executive Policy Committee	02/02/2021	N/A	GH_000010555	GH_000010555	C	Pages 15–16, 25–27, 29–34, 36
64.	Presentation: Executive Policy Committee	02/02/2021	N/A	GH_000010567	GH_000010567	C	Pages 15–16, 25–27; 29–34; 36

65.	IH Transcript: William Getty (Guardant)	02/11/2021	PX7040	PX7040-001	PX7040-083	D	<p><i>Sensitive Personal Information:</i></p> <p>9: 11-12; 9: 16-17</p> <p><i>Confidential Information:</i></p> <p>34: 18-25; 35: 1-8; 36: 1-3; 56: 16-18; 56: 21-22; 56: 24; 57: 1; 57: 3-6; 57: 8-9; 57: 17-25; 58: 1; 81: 23-25; 82: 1-5; 85: 18-25; 86: 1-2; 86: 14-25; 87: 9-17; 87: 19-24; 88: 2-5; 88: 16-21; 91: 15-21; 92: 16-25; 93: 1-5; 93: 7; 93: 9; 93: 11-17; 9: 25; 94: 1-15; 94: 20-21; 94: 23; 95: 5-6; 95: 12; 95: 17-25; 96: 1-4; 96: 6-13; 98: 4-7; 101: 15-22; 103: 1-2; 103: 7-8; 103: 13-18; 104: 13-14; 104: 25; 105: 1-7; 105: 12-20; 106: 10-12; 106: 19-21; 106: 24; 114: 9-12; 114: 21-25; 115: 3-6; 115: 25; 116: 1-9; 117: 1-5; 117: 16-20; 118: 15; 118: 17;</p>
-----	---	------------	--------	------------	------------	---	--

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
							118: 22; 118: 25; 119: 2-4; 119: 7-8; 122: 2-25; 123: 1-14; 129: 6-14; 141: 18- 25; 142: 1-4; 142: 12-15; 142: 18-25; 143: 1-4; 149: 20-21; 151: 2-7; 151: 11-25; 152: 1-25; 153: 4-15; 174: 8-11; 174: 17- 18; 174: 20; 174: 25; 175: 1; 191: 22-23; PX7040-051--081 (index); PX7040-083 (errata)

66.	IH Transcript: Darya Chudova (Guardant)	02/24/2021	PX7045	PX7045-001	PX7045-054	D	25: 25; 26: 1-3; 26: 7-10; 27: 24-25; 28: 1-2; 28: 12-15; 36: 5-16; 39: 19-25; 40: 1-6; 40: 15-25; 41: 1-16; 41: 18; 41: 23-25; 42: 25; 43: 1-8; 43: 17; 45: 10-13; 48: 5-8; 48: 22; 49: 24-25; 50: 1-5; 50: 8; 50: 15; 65: 4-18; 76: 1-5; 81: 6-11; 81: 15-23; 84: 22-25; 85: 1-25; 86: 1-4; 86: 8-20; 88: 11-21; 91: 2-22; 93: 10-12; 93: 15; 93: 18-19; 94: 5-8; 94: 19-22; 95: 3-18; 96: 1; 96: 7-12; 99: 25; 100: 1-6; 100: 11-25; 101: 1-6; 101: 10-15; 101: 17-23; 102: 8-9; 103: 4-17; 105: 10; 109: 9-25; 110: 1-10; 110: 13-23; 111: 5-18; 113: 23-25; 114: 1-7; 114: 10-16; 114: 19-25; 115: 4-9; 116: 21-25; 117: 1-25; 118: 1-11; 121: 7-25; 122: 1-6; 122: 17-25; 123: 1-3;
-----	---	------------	--------	------------	------------	---	---

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
							PX7045-034-054 (index)

67.	Depo Transcript: Nitin Sood (Guardant)	05/27/2021	PX7090	PX7090-001	PX7090-070	D	24: 15-18; 25: 5-9; 27: 19-25; 28: 1-3; 28: 5-7; 28: 17; 32: 18-25; 33: 1-12; 33: 17-19; 35: 5-6; 35: 24-25; 36: 3-10; 37: 1-4; 37: 12-15; 37: 21-25; 38: 1-7; 38: 11-12; 39: 10-11; 39: 14-16; 39: 20; 39: 24-25; 40: 3-4; 40: 6-15; 40: 23-25; 41: 4-5; 41: 8-10; 41: 13-16; 41: 21-25; 42: 8; 42: 12-24; 43: 6-12; 44: 3-9; 44: 11-12; 44: 19; 44: 24-25; 45: 1-2; 53: 15-17; 52: 23-25; 53: 2-3; 53: 5-7; 54: 15-17; 55: 3-5; 63: 4-6; 63: 12-14; 64: 5-6; 64: 17-19; 67: 17-19; 67: 25; 68: 1- 22; 71: 19-21; 71: 23-25; 72: 1; 74: 4- 6; 75: 1; 75: 4-5; 76: 20-24 ; 77: 20; 77: 24-25; 78: 1; 78: 8- 9; 78: 17; 78: 19; 78: 22-25; 79: 1-2; 99: 21-23; 102: 1-2; 104: 11-12; 106: 1-
-----	--	------------	--------	------------	------------	---	---

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
							10; 108: 15-16; 119: 19-20; 124: 23-24; 125: 2-18; 135: 19- 25; 136: 1-5; 136: 11-12; 137: 10-12; 137: 15-16; 137: 18- 20; 137: 23-25; 138: 1-7; 138: 16-19; 138: 22-24; 139: 3- 10; PX7090-040-068 (index)

68.	Depo Transcript: Darya Chudova (Guardant)	06/02/2021	PX7100	PX7100-001	PX7100-094	D	20: 17; 21: 2; 21: 22–23; 22: 8; 25: 14; 25: 21; 25: 25; 26: 1–2; 27: 7–10; 27: 19–25; 28: 1; 28: 3; 28: 15; 29: 1–13; 30: 24–25; 31: 5–8; 33: 14–24; 34: 2–5; 34: 9; 34: 11–15; 35: 1–2; 35: 5–18; 38: 15–17; 39: 6; 39: 20; 40: 4; 41: 16–25; 42: 1; 42: 11; 42: 24–25; 43: 1–3; 45: 15–25; 46: 1–4; 47: 6–25; 52: 13–25; 53: 1–25; 54: 1–13; 54: 16–25; 55: 1–16; 55: 22; 56: 11–23; 57: 8–25; 58: 1–2; 58: 6–13; 60: 21–25; 61: 1–17; 62: 8–21; 63: 2; 63: 5; 63: 12–22; 63: 24–25; 64: 1–20; 65: 6–25; 66: 1–4; 66: 8–16; 67: 5–15; 67: 19–25; 68: 1–19; 68: 21–22; 70: 15; 72: 6–11; 72: 14; 74: 5; 78: 25; 79: 1–15; 79: 25; 80: 1; 85: 14–24; 86: 1–25; 87: 1–22; 95: 15–21; 95: 23–25; 96: 1–3; 96:
-----	---	------------	--------	------------	------------	---	--

							13-17; 96: 20-25; 97: 1-17; 98: 7-15; 99: 17-25; 100: 1-4; 100: 9-10; 100: 14- 19; 102: 23-25; 103: 1-13; 107: 3-16; 110: 3-6; 118: 20-25; 119: 1-2; 119: 15-18; 121: 15-22; 122: 12- 13; 123: 13-15; 126: 22-25; 127: 1-19; 128: 16-17; 129: 10- 24; 130: 10-13; 130: 18-19; 131: 6-9; 131: 14-17; 131: 21- 25; 132: 5-8; 132: 12-22; 133: 14- 24; 134: 1-11; 134: 14- 18; 138: 2-8; 138: 17-23; 139: 3-4; 139: 8-25; 140: 1-3; 140: 6-9; 140: 12-17; 140: 21-25; 141: 1; 141: 5-7; 141: 10-16; 141: 19-25; 142: 1-3; 142: 12-14; 143: 6- 16; 144: 20-25; 145: 1-25; 146: 1-25; 147: 1-3; 147: 6-25; 148: 1-21; 149: 5-21; 149: 23-25; 150: 1- 17; 151: 1-7; 151: 13-23; 151: 25; 152:
--	--	--	--	--	--	--	---

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
							1-5; 152: 8-16; 152: 23-24; 153: 2-24; 154: 2-3; 154: 6-21; 154: 25; 155: 1-17; 155: 19-25; 156: 1- 17; 156: 23-25; 157: 1-25; 158: 1-5; 158: 9-25; 159: 1-14; 160: 25; 161: 1-13; 169: 24; 177: 9-18; 178: 15-21; 178: 25; 179: 1-3; 179: 6-12; 181: 15-25; 182: 1- 16; PX7100-050-092 (index)

69.	Depo Transcript: William (Guardant)	06/03/2021	PX7105	PX7105-001	PX7105-122	D	<p>14: 13–16; 14: 22–25; 15: 1–3; 15: 22–25; 16: 1; 18: 8–15; 21: 22; 43: 1–4; 43: 7–8; 47: 16–17; 52: 7–12; 52: 21–24; 72: 3–4; 72: 13; 72: 16; 77: 9; 113: 19–21; 113: 24– 25; 114: 1; 114: 4– 21; 115: 8–10; 115: 16–20; 116: 2–4; 116: 16; 116: 20–25; 117: 1–2; 117: 7–8; 117: 18–20; 120: 9– 11; 120: 21–22; 120: 25; 121: 1; 121: 9– 11; 121: 15–19; 122: 15; 122: 18–19; 122: 24; 123: 2–3; 124: 19; 124: 22–24; 126: 14; 127: 21–22; 127: 24–25; 128: 1–3; 128: 10–12; 129: 10; 129: 13–14; 129: 24; 130: 10; 130: 19; 131: 15; 131: 22; 131: 24; 132: 15; 132: 22; 132: 24; 133: 1–2; 133: 7; 133: 9; 133: 16; 133: 18; 133: 20; 134: 4; 134: 13; 134: 19; 135: 1; 135: 3–4;</p>
-----	--	------------	--------	------------	------------	---	--

							<p>133: 7; 136: 16; 136: 18; 137: 9; 137: 17; 137: 20; 138: 4; 138: 9; 138: 11; 138: 14; 138: 17–18; 139: 5; 140: 14; 141: 13–14; 142: 18; 143: 9; 143: 11–12; 143: 17–18; 144: 1–2; 144: 10–11; 144: 20–21; 145: 9; 145: 13; 145: 18–19; 146: 5–7; 147: 16–18; 147: 24; 148: 1–2; 148: 19–20; 149: 5; 149: 11; 149: 23; 151: 10–11; 151: 17–23; 152: 4–5; 152: 11–12; 152: 15–16; 152: 19; 153: 24; 154: 4; 154: 6–7; 154: 10–12; 155: 3–5; 155: 8–10; 155: 18–19; 156: 1; 156: 8–11; 15: 16; 156: 18–23; 156: 25; 157: 1–4; 157: 9–10; 157: 14–17; 157: 21–22; 158: 7–8; 158: 11–12; 159: 4; 159: 15–20; 159: 25; 160: 7–8; 160: 15–16; 160: 25; 161: 1; 161: 9–10; 161: 13–17; 161: 19–</p>
--	--	--	--	--	--	--	--

							21; 161: 23–25; 162: 2; 162: 8–10; 162: 13–15; 162: 23; 163: 3; 163: 7; 163: 10; 163: 12–13; 164: 17– 19; 164: 21; 164: 23; 165: 5; 165: 7; 165: 11–12; 164: 17; 165: 22–23; 166: 1–2; 166:5; 166: 9; 166: 13–14; 166: 20–21; 166: 25; 167: 1–3; 167: 17–19; 171: 5–6; 172: 3–11; 173: 1–2; 173: 11; 173: 23–25; 174: 1–3; 175: 12; 177: 24–25; 178: 1–4; 178: 6–10; 178: 15– 17; 180: 17; 180: 19; 181: 1; 181: 6; 185: 20; 187: 11–12; 187: 15–16; 187: 20–23; 188: 8–11; 189: 2–4; 189: 8–9; 189: 15; 190: 4; 190: 14; 190: 19–20; 190: 22; 191: 6–8; 191: 11–13; 191: 17; 191: 25; 192: 3–4; 192: 6–8; 192: 12–13; 192: 15– 21; 192: 25; 193: 3– 5; 193: 14–15; 193: 18–19; 193: 24–25;
--	--	--	--	--	--	--	---

							<p>194: 1; 194: 4; 194: 7; 194: 15; 195: 2-8; 195: 13-14; 195: 16-18; 195: 23-25; 196: 14-17; 196: 22-23; 197: 22; 198: 18; 198: 21-22; 199: 8; 199: 13-15; 200: 18-21; 201: 8; 201: 12-14; 202: 25; 203: 1; 203: 16-17; 203: 20-21; 204: 4; 204: 20-22; 206: 6-7; 207: 4-5; 207: 13-14; 207: 16-19; 208: 8-9; 208: 16; 208: 21; 209: 1-2; 209: 8-9; 209: 11; 209: 14-15; 209: 18-22; 210: 4-6; 210: 8; 210: 12; 210: 14; 210: 22-23; 212: 13; 212: 18-20; 212: 22; 212: 24-25; 213: 1-2; 213: 4-5; 213: 10-13; 213: 16; 228: 19-23; 228: 25; 229: 1-2; 230: 12-14; 232: 20-21; 233: 1-4; 233: 16-17; 236: 9; 237: 11; 240: 18; 243: 18; 244: 8-9; 245: 8-12; 245: 18-19; 245: 21-24; 248:</p>
--	--	--	--	--	--	--	--

Exhibit E Tab No.	Document Description	Date	Exhibit No.	Beginning Bates No.	Ending Bates No.	Category	Locations Containing Confidential Information (if partial <i>in camera</i> treatment requested)
							23-25; 249: 1-12; PX7105-066-120 (index); PX7105-121 (errata)

EXHIBIT E
CONFIDENTIAL —
REDACTED IN ENTIRETY

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

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

**[PROPOSED] ORDER GRANTING NON-PARTY GUARDANT HEALTH, INC.’S
MOTION FOR *IN CAMERA* TREATMENT**

Having considered non-party Guardant Health Inc.’s (“Guardant”) Motion for *in camera* treatment, and the supporting memorandum, Guardant’s motion is **GRANTED**. It is hereby **ORDERED** that the following exhibits or portions of exhibits are to be provided *in camera* treatment for five years from the date of this order:

Exhibit No.	Beginning Bates No.	Ending Bates No.
Full <i>in camera</i> Treatment		
PX8523	GH_000014534	GH_000014561
N/A	GH_000006725	GH_000006725
N/A	GH_000009441	GH_000009445
N/A	GH_000009659	GH_000009663
N/A	GH_000014562	GH_000014566
PX8305	GH_000001681	GH_000002120
PX8307	GH_000006580	GH_000006580
PX8312	GH_000002506	GH_000002691
PX8346	GH_000002257	GH_000002505
N/A	GH_000002182	GH_000002256
N/A	GH_000006734	GH_000006757
N/A	GH_000012973	GH_000012973
N/A	GH_000012974	GH_000012974

Exhibit No.	Beginning Bates No.	Ending Bates No.
N/A	GH_000013056	GH_000013056
PX8309	GH_000006705	GH_000006724
PX8310	GH_000006801	GH_000006801
PX8314	GH_000006588	GH_000006588
PX8474	GH_000007777_R	GH_000007968_R
PX8495	GH_000010475	GH_000010482
PX8498	GH_000008731	GH_000008735
PX8499	GH_000008990	GH_000008907
PX8503	GH_000009446	GH_000009514
PX8506	GH_000010357	GH_000010360
PX8507	GH_000010627	GH_000010629
PX8508	GH_000011457	GH_000011463
PX8520	GH_00009195	GH_000009201
PX8521	GH_000009218	GH_000009219
PX9068	PX9068-001	PX9068-030
N/A	GH_000007025	GH_000007055
N/A	GH_000007425	GH_000007425
N/A	GH_000007443	GH_000007443
N/A	GH_000007489	GH_000007489
N/A	GH_000007490	GH_000007490
N/A	GH_000007591	GH_000007591
N/A	GH_000007864_R	GH_000007942_R
N/A	GH_000008162_R	GH_000008190_R
N/A	GH_000008191_R	GH_000008209_R
N/A	GH_000008210_R	GH_000008311_R
N/A	GH_000008850	GH_000008853
N/A	GH_000009201	GH_000009201
N/A	GH_000009351	GH_000009351
N/A	GH_000009518	GH_000009556
N/A	GH_000010357	GH_000010357
N/A	GH_000010378	GH_000010380
N/A	GH_000012690	GH_000012690
N/A	GH_000012723	GH_000012723
N/A	GH_000012724	GH_000012724
N/A	GH_000013011	GH_000013012
N/A	GH_000013115	GH_000013120
N/A	GH_000014475	GH_000014475
Partial in camera Treatment		
PX8306	GH_000006253	GH_000006253
PX8311	GH_000006819	GH_000006819
PX8313	GH_000006254	GH_000006494
N/A	GH_000011983	GH_000011983
PX8496	GH_000013176	GH_000013178
PX8501	GH_000009376	GH_000009377

Exhibit No.	Beginning Bates No.	Ending Bates No.
PX8502	GH_000009401	GH_000009404
PX8504	GH_000010208	GH_000010283
PX8505	GH_000010340	GH_000010352
N/A	GH_000008336	GH_000008337
N/A	GH_000008352	GH_000008355
N/A	GH_000008714	GH_000008716
N/A	GH_000010555	GH_000010555
N/A	GH_000010567	GH_000010567
PX7040	PX7040-001	PX7040-083
PX7045	PX7045-001	PX7045-054
PX7090	PX7090-001	PX7090-070
PX7100	PX7100-001	PX7100-094
PX7105	PX7105-001	PX7105-122

It is also hereby **ORDERED** that access to Guardant’s documents granted *in camera* treatment shall continue to be subject to the restrictions set forth in the Protective Order entered in this matter.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2021, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

Office of the Secretary
Federal Trade Commission
Constitution Center
400 Seventh Street, SW, Suite 5610
Washington, DC 20024
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580
oalj@ftc.gov

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

Sarah Wohl
Federal Trade Commission
600 Pennsylvania Ave., NW,
Washington, D.C. 20580
(202) 326-3455
swohl@ftc.gov

Complaint Counsel

Richard J. Stark
Cravath, Swaine & Moore LLP
825 Eighth Avenue
New York, NY 10019
(212) 474-1140
rstark@cravath.com

Counsel for Respondent Illumina, Inc.

Anna M. Rathbun
Latham & Watkins LLP
555 Eleventh Street, NW
Washington, DC 20004
(202) 637-2285
anna.rathbun@lw.com

Counsel for Respondent GRAIL, Inc.

DATE: August 6, 2021

/s/ Renata Hesse
Renata B. Hesse

Counsel for Non-Party Guardant Health, Inc.

CERTIFICATE FOR ELECTRONIC FILING

I hereby certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator:

Respectfully submitted,

Dated: August 6, 2021

/s/ Renata Hesse
Renata B. Hesse
SULLIVAN & CROMWELL LLP
1700 New York Avenue, N.W. Suite 700
Washington, District of Columbia 20006
Telephone: (202) 956-7000
Facsimile: (202) 293-6330
hesser@sullcrom.com

Counsel for Non-Party Guardant Health, Inc.