

**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 GRANTING MOTION TO INTERVENE

On October 7, 2022, Respondent Illumina, Inc. (“Illumina”) filed a motion seeking a modification to the Protective Order to allow its counsel to share certain confidential material produced by nonparties in this proceeding with Illumina’s external European (“EU”) counsel and with external economic consultants, in connection with Illumina’s appeal to the General Court of the European Union (the “EU General Court”) of the European Commission’s decision prohibiting Illumina’s acquisition of GRAIL (“Motion to Modify Protective Order”). On October 13, 2022, Respondent provided a copy of the Motion to Modify Protective Order to nonparties who produced confidential material in this proceeding, including nonparty Guardant Health, Inc. (“Guardant”).

On October 17, 2022, Guardant filed a motion to intervene to submit a brief in opposition to Illumina’s Motion to Modify Protective Order. Federal Trade Commission (“FTC”) Rule 3.14(a) provides that the Administrative Law Judge may by order permit intervention upon such terms as may be deemed proper. 16 C.F.R. § 3.14(a). Guardant’s Motion to Intervene is GRANTED. It is hereby ORDERED that Guardant shall be permitted to intervene in this action for the limited purpose of filing a memorandum in opposition to the Motion to Modify Protective Order. Any such memorandum shall be filed no later than October 24, 2022.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: October 18, 2022