

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Lina M. Khan, Chair**
 Rebecca Kelly Slaughter
 Christine S. Wilson
 Alvaro M. Bedoya

In the Matter of

**Illumina, Inc.,
a corporation;**

and

**GRAIL, Inc.,
a corporation.**

Docket No. 9401

ORDER GRANTING LEAVE TO FILE BRIEF *AMICI CURIAE*

On November 2, 2022, Professors Richard Epstein, Adam Mosoff, and other signatories filed a motion for leave to file a brief as *amici curiae* in support of Respondents in this proceeding. See Motion of Non-Party Antitrust, Patent, and Law-and-Economics Scholars and Jurists For Leave to File Brief as Amici Curiae Supporting Respondents (“Motion”). Movants describe themselves as scholars and other jurists specializing in antitrust, patent law, and law and economics. *Id.* at 1. They state that, although they are not privy to the confidential evidence in this case, they wish to serve the Commission and the public interest by elaborating on the complex legal and economic principles at the case’s center. *Id.* at 1-2. They indicate that they can provide a disinterested perspective in line with their interest in promoting antitrust enforcement that is informed by modern economics and that protects public access to new technologies. Movants submitted their proposed brief along with their Motion. Neither Complaint Counsel nor Respondents have submitted a response to the Motion.

Commission Rule 3.52(j), 16 C.F.R. § 3.52(j), allows filing of a brief *amicus curiae* when the Commission grants leave after a motion with notice to the parties. Upon consideration of the Motion, the Commission finds that the proposed amicus brief may assist in its consideration of the matters presented by this appeal. Accordingly,

IT IS HEREBY ORDERED THAT the Motion of Non-Party Antitrust, Patent, and Law-and-Economics Scholars and Jurists For Leave to File Brief as Amici Curiae Supporting

Respondents is **GRANTED**.

By the Commission.

April J. Tabor
Secretary

SEAL:

ISSUED: November 29, 2022