

Interlocutory Orders, Etc.

IN THE MATTER OF

BOSTON SCIENTIFIC CORPORATION*Docket No. C-4684. Order, February 8, 2022*

Letter Order granting respondent's application for approval of an amendment to the Transition Manufacturing Agreement.

LETTER ORDER APPROVING AMENDMENT

Michael B. Bernstein, Esq.
Arnold & Porter Kaye Scholer LLP

Re: In the Matter of *Boston Scientific Corporation and BTG plc*
File No. 191-0039, Docket No. C-4684

Dear Mr. Bernstein:

This letter is in reference to an application for approval of an amendment filed by Boston Scientific Corporation ("BSC") on December 15, 2021. BSC requests Commission approval of its proposed amendment to the Transition Manufacturing Agreement, incorporated by reference into the Decision and Order entered in this case.

After consideration of BSC's application and other available information, the Commission has determined to approve the proposed change as set forth in BSC's application. In according its approval, the Commission has relied upon the information submitted and the representations made in connection with BSC's application and has assumed them to be accurate and complete.

By direction of the Commission.

Interlocutory Orders, Etc.

IN THE MATTER OF
ILLUMINA, INC.,
AND
GRAIL, INC.

Docket No. 9401. Order, March 1, 2022

Order to take appropriate action to withdraw the subpoena enforcement matter against Caris pending in the U.S. District Court for the District of Columbia in *FTC v. Caris Life Sciences*, Case No. 1:21-mc-00115-RJL (D.D.C.).

ORDER TO WITHDRAW FROM COURT ENFORCEMENT OF SUBPOENAS ISSUED TO CARIS LIFE
SCIENCES

On August 24, 2021, the Commission ordered the General Counsel to take appropriate action to enforce in federal district court two subpoenas for documents and testimony issued in this administrative proceeding to nonparty Caris Life Sciences (“Caris”). In accordance with that order, on September 9, 2021, the General Counsel filed a petition to enforce the subpoenas in the U.S. District Court for the District of Columbia.

On February 9, 2022, counsel for the parties filed in the administrative proceeding a Joint Stipulation to Exclude Caris-Related Material from the Record (“Joint Stipulation”). The Joint Stipulation explained that, while awaiting resolution of the subpoena enforcement action, the parties had reached an agreement that neither Complaint Counsel nor Respondents would rely on any Caris-related material, and each party would withdraw any Caris-related material already in evidence. *Id.* at 1. On February 10, 2022, the Commission moved to stay the federal district court subpoena enforcement proceeding pending the Commission’s decision on whether to dismiss that action, and the district court granted that stay the next day. The ALJ then granted the parties’ request to enter the Joint Stipulation. Order on Pending Motions at 2-3 (Feb. 16, 2022). The parties now move jointly to request that the Commission withdraw from enforcement of the Caris-related subpoenas.

In light of the parties’ Joint Stipulation and agreement not to rely on Caris-related materials in this matter, we find that the subpoena enforcement action against Caris is now moot. Accordingly,

IT IS HEREBY ORDERED that the General Counsel take appropriate action to withdraw the subpoena enforcement matter against Caris pending in the U.S. District Court for the District of Columbia in *FTC v. Caris Life Sciences*, Case No. 1:21-mc-00115-RJL (D.D.C.).

By the Commission.