

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.

Interlocutory Orders, Etc.

IN THE MATTER OF

**ALTRIA GROUP, INC.,
AND
JUUL LABS, INC.***Docket No. 9393. Order, March 2, 2022*

Order granting the Joint Motion to Extend Deadlines for the Parties' Appeal Briefs.

ORDER EXTENDING BRIEFING SCHEDULE

On February 15, 2022, Chief Administrative Law Judge D. Michael Chappell ("ALJ") issued his Initial Decision in this matter. On February 16, 2022, Complaint Counsel filed a Notice of Appeal pursuant to Commission Rule 3.52(b), 16 C.F.R. § 3.52(b).

On February 18, 2022, the parties jointly moved to extend the briefing schedule for the appeal. Joint Mot. to Extend Deadlines for the Parties' Appeal Briefs ("Motion"). Under the parties' proposal, the due dates would shift as follows:

	Current deadline	Proposed deadline
Complaint Counsel's Opening Appeal Brief to the Commission	March 17, 2022	March 31, 2022
Respondent's Answering Brief	30 days after Appeal Brief served	7 days after Answering Brief served
Complaint Counsel's Reply Brief	45 days after Appeal Brief filed	14 days after Answering Brief filed

We have determined pursuant to Commission Rule 4.3(b), 16 C.F.R. § 4.3(b), to grant the Motion for good cause shown. We previously extended the ALJ's deadline to issue his Initial Decision due to the volume and complexity of the record in this matter. Order, Jan. 19, 2022. The ALJ's Initial Decision addresses two distinct theories of liability, each involving sub-theories and several lines of evidence. We find that a modest extension of the briefing schedule will enable the parties to address appropriately the complexity of the issues presented.

Accordingly,