

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**ILLUMINA, INC., and
GRAIL, INC.,**

Defendants.

Civil Action No. ___-cv-_____

**PLAINTIFF FEDERAL TRADE COMMISSION’S UNOPPOSED MOTION FOR
ENTRY OF A TEMPORARY RESTRAINING ORDER**


Plaintiff, the Federal Trade Commission (the “Commission”) has filed this action seeking an order preliminarily enjoining the proposed acquisition of GRAIL, Inc. (“Grail”) by Defendant Illumina, Inc. (“Illumina”) as a violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and Section 7 of the Clayton Act, 15 U.S.C. § 18. In the absence of temporary relief, Defendants would be able to consummate the proposed acquisition after 11:59 p.m. Eastern Time on March 31, 2021. However, the parties have stipulated to a temporary restraining order under which Defendant Illumina will not consummate the proposed transaction until the earlier of 12:01 AM on September 20, 2021 or after 11:59 PM Eastern Time on the second (2nd) business day after the Court rules on Plaintiff’s motion for a preliminary injunction pursuant to Section 13(b) of the Federal Trade Commission Act, 15 U.S.C. § 53(b); or (c) immediately upon dismissal of this action by the Commission. The stipulation is attached hereto.

Plaintiff respectfully moves the Court for entry of a temporary restraining order consistent with the parties' stipulation.

A proposed order is attached.

Dated: March 30, 2021

Respectfully submitted,



Susan Musser
D.C. Bar #1531486
Senior Trial Counsel
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
Telephone: (202) 326-2122
Email: smusser@ftc.gov

*Attorney for Plaintiff
Federal Trade Commission*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 30, 2020, I served the foregoing on the following counsel via electronic mail:

Christine A. Varney, Esq.
Sharonmoyee Goswami, Esq.
Cravath, Swaine & Moore LLP
825 Eighth Avenue
New York, NY 10019
(212) 474-1140
cvarney@cravath.com
sgoswami@cravath.com

Counsel for Illumina, Inc.

Michael G. Egge, Esq.
Marguerite M. Sullivan, Esq.
Latham & Watkins LLP
555 Eleventh Street, NW
Washington, D.C. 20004
(202) 637-2285
michael.egge@lw.com
marguerite.sullivan@lw.com

Counsel for GRAIL, Inc.

By: 
Susan Musser
Attorney for Plaintiff
Federal Trade Commission