

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

Tapestry, Inc.
a corporation,

and

Capri Holdings Limited,
a corporation.

Respondents.

DOCKET NO. 9429

NON-PARTY SUNRISE BRANDS, LLC MOTION FOR *IN CAMERA* TREATMENT

Pursuant to Rule 3.45 (b) of the Federal Trade Commission’s Rules of Practice, 16 C.F.R. § 3.45(b), non-party Sunrise Brands, LLC (“Sunrise”) respectfully moves this Court for *in camera* treatment of the documents listed in **Exhibit A** attached hereto, which include competitively sensitive, confidential business documents (“Confidential Documents”), for a period of ten years. Sunrise produced the Confidential Documents in response to third-party subpoenas issued by Tapestry, Inc. (“Tapestry”). Tapestry and the Federal Trade Commission (the “FTC”) have notified Sunrise that they intend to introduce the Confidential Documents into evidence at the administrative trial in this matter. Counsel for Tapestry and the FTC have stated that they do not intend to oppose Sunrise’s motion. See Communications from the FTC and Tapestry attached as **Exhibit B**.

The Confidential Documents for which Sunrise is seeking *in camera* treatment contain highly confidential, proprietary, and competitively sensitive information from non-party Sunrise regarding Sunrise’s competitive business strategy, sales data, and market positioning and analysis.

Sunrise would suffer irreparable harm if its competitors or the public were given access to this highly confidential and competitively sensitive information, which could be used by competitors to undermine Sunrise's competitive position. For the reasons set forth herein and in the accompanying declaration of Sabrina Matloob, in-house counsel for Sunrise ("Matloob Decl.", attached hereto as **Exhibit C**), Sunrise respectfully requests *in camera* treatment by this Court.

I. LEGAL STANDARD

In camera treatment of material is appropriate when its "public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting in camera treatment." 16 C.F.R. § 3.45(b). A party seeking *in camera* treatment may satisfy this standard by showing the information is "sufficiently secret and sufficiently material to the applicant's business that disclosure would result in serious competitive injury." *In re N. Texas Specialty Physicians*, Docket No. 9312, 2004 WL 1571167, at *1 (Apr. 23, 2004) ("[T]he likely loss of business advantages is a good example of a 'clearly defined, serious injury.'). To determine whether the information warrants protection from public disclosure the Court may consider: (1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken to guard the secrecy of the information; (4) the value of the information to the business and its competitors; (5) the amount of effort or money expended in developing the information; and (6) the ease or difficulty with which the information could be acquired or duplicated by others. *See, In re Bristol-Myers Co.*, 90 F.T.C. 455, 456-57 (1977). Courts generally attempt "to protect confidential business information from unnecessary airing." *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961).

Non-parties to the underlying proceeding are entitled to "special solicitude" in this analysis.

In re ProMedica Health Sys., 2011 FTC LEXIS 101, at *3-4 (May 25, 2011); *In re Kaiser Aluminum & Chem. Corp.*, 103 F.T.C. 500, 500 (1984). Specifically, the Court has recognized that extending robust confidentiality protection to third parties encourages cooperation with the adjudicative discovery process. *Kaiser Aluminum*, 103 F.T.C. at 500 (“As a policy matter, extensions of confidential or *in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests.”).

In camera status is generally granted for a limited period. See 16 C.F.R. § 3.45(b)(3). *In camera* treatment is routinely granted for competitively sensitive business records, competitive positioning, strategic plans, marketing and pricing strategies for up to ten years. See, *In re Tronox Ltd.*, 2018 FTC LEXIS 78, at *12-13 (May 15, 2018) (granting third parties’ requests for ten year *in camera* treatment of documents containing competitively sensitive information, such as business plans, views on the efficacy of substitutes for products, analyses of prices, capacity, supply and demand, along with market forecasts).

II. ARGUMENT

Sunrise seeks *in camera* treatment of the Confidential Documents for ten years because it contains competitively sensitive information that would result in serious injury to Sunrise if disclosed to the public. Indeed, the Confidential Documents for which Sunrise is seeking *in camera* treatment contains highly confidential, proprietary, and competitively sensitive information from non-party Sunrise. (Matloob Decl. ¶¶ 4-7.) They notably include internal communications regarding confidential projections, sales data and business strategy (PX3163, PX3165, PX3170, PX3156, PX3161, PX3162, PX3166, PX3175, Sunrise-TAP-000225, SUNRISE 7.24.24 – 0010877, SUNRISE 7.24.24 – 0001263 and SUNRISE 7.24.24 – 0007491), confidential customer surveys (PX3090, PX3195, PX3196, SUNRISE 6-26-24 – 0152 and SUNRISE 6-26-24 – 0180),

confidential presentations including sales data and business strategy (Sunrise-TAP-000253, Sunrise-TAP-000066, Sunrise-TAP-000185, Sunrise-TAP-000200, SUNRISE 7.24.24 – 0001639, SUNRISE 7-17-24 – 0207 and SUNRISE 7.24.24 – 0001100), and deposition testimonies concerning the foregoing and other confidential and competitively sensitive matters (PX5058 and PX5063). (Matloob Decl. ¶¶ 6-7.)

At all times, Sunrise has taken precautions to maintain the confidentiality of this information. (Matloob Decl. ¶ 8.) The information set forth in the Confidential Documents are not public and are treated as highly confidential by Sunrise in the course of its business. (Matloob Decl. ¶¶ 4-8.) Sunrise would suffer irreparable harm if its competitors or the public were given access to this highly confidential and competitively sensitive strategic information, which could be used by rivals and customers to harm Sunrise’s competitive position. (Matloob Decl. ¶¶ 4,8.) Under these circumstances, *in camera* treatment is warranted. *See, Otto Bock HealthCare N. Am., Inc.*, 2018 FTC LEXIS, at *10-12 (granting third parties’ requests for ten-year *in camera* treatment of confidential business records); *In re N. Texas Specialty Physicians*, No. 9312, 2004 WL 1571167, at *1–2 (FTC Apr. 23, 2004) (granting third parties’ requests for five-year *in camera* treatment of confidential business records); *In re Illumina, Inc.*, 2021 FTC LEXIS 35, at *1-2.

Moreover, Sunrise’s status as a third party particularly justifies *in camera* treatment of the Confidential Documents. The FTC has held that “[t]here can be no question that the confidential records of businesses involved in Commission proceedings should be protected insofar as possible.” *H.P. Hood & Sons*, 58 F.T.C. at 1186. This is especially true in the case of a third-party, which deserves “special solicitude” in its request for *in camera* treatment for its confidential business information. *In re Kaiser Aluminum.*, 103 F.T.C. at 500 (“As a policy matter, extensions of confidential or *in camera* treatment in appropriate cases involving third party bystanders

encourages cooperation with future adjudicative discovery requests.”). Sunrise’s third-party status therefore favors granting *in camera* status to its Confidential Documents.

III. CONCLUSION

For the reasons set forth above and in the accompanying Matloob Declaration, Sunrise respectfully requests that this Court grant *in camera* treatment for the Confidential Documents for a period of ten years.

Dated: September 12, 2024

Respectfully submitted,

MANTEAU DOWNES LLP

By: /s/ Marie-Sophie Revault
Marie-Sophie Revault
The Chrysler Building
405 Lexington Avenue, 26th Floor
New York, New York 10174
Telephone: 347.366.1675
Email: msrevault@manteaudownes.com

Attorneys for non-party Sunrise Brands, LLC

EXHIBIT A

CONFIDENTIAL - PARTIALLY REDACTED

Ex No.	Description	Date	Bates-Begin	Bates-End
PX3090		6/21/2024	SUNRISE 6/26/24 - 0152	SUNRISE 6/26/24 - 0206
PX3156		1/15/2020	SUNRISE 7.24.24 - 0001259	SUNRISE 7.24.24 - 0001259
PX3161		7/20/2021	SUNRISE 7.24.24 - 0010876	SUNRISE 7.24.24 - 0010941
PX3162		11/14/2022	SUNRISE 7.24.24 - 0001628	SUNRISE 7.24.24 - 0001630
PX3163		7/1/2022	SUNRISE 7.24.24 - 0002042	SUNRISE 7.24.24 - 0002046
PX3165		7/28/2021	SUNRISE 7.24.24 - 0002431	SUNRISE 7.24.24 - 0002502
PX3166		12/7/2021	SUNRISE 7.24.24 - 0002719	SUNRISE 7.24.24 - 0002722
PX3170		4/13/2021	SUNRISE 7.24.24 - 0010560	SUNRISE 7.24.24 - 0010564
PX3175		2/25/2021	SUNRISE 7.24.24 - 0001166	SUNRISE 7.24.24 - 0001167
PX3195		8/00/2020	SUNRISE 6/26/24 - 0153	SUNRISE 6/26/24 - 0179
PX3196		00/00/2023	SUNRISE 6/26/24 - 0180	SUNRISE 6/26/24 - 0206
PX4000		5/23/2024	PX4000-001	PX4000-005
PX5058		8/5/2024	PX5058-001	PX5058-056

Ex No.	Description	Date	Bates-Begin	Bates-End
PX5063	[REDACTED]	8/21/2024	PX5063-001	PX5063-061

PUBLIC

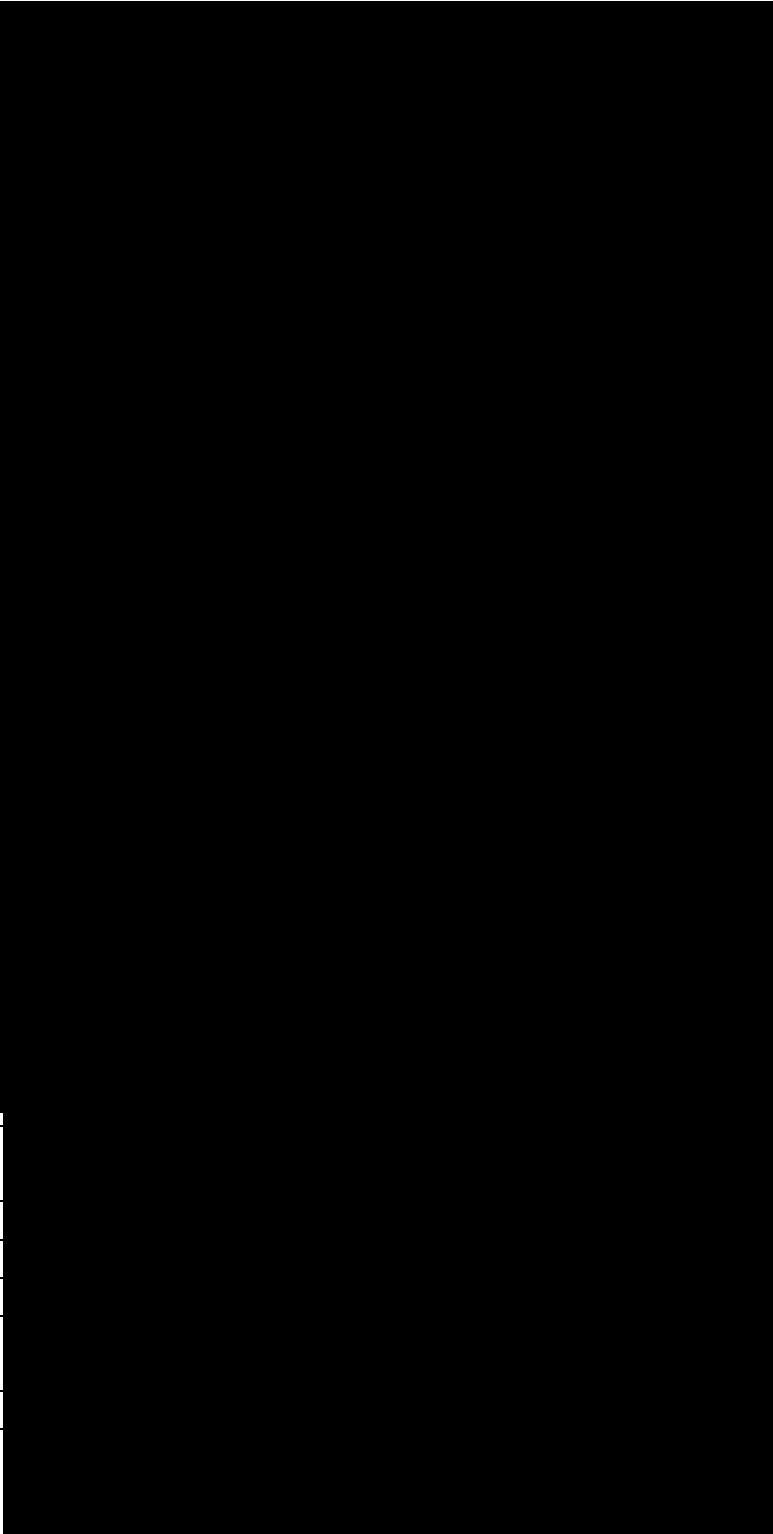
Description	Bates Number
	SUNRISE 7.30.24 - 0020104
	SUNRISE 7.24.24 -0010877
	2024.05.24 SUNRISE - 0001
	SUNRISE 5/24/24 - 0012
	SUNRISE 6/26/24 - 0152
	SUNRISE 7.24.24 - 0001100
	SUNRISE 7-17-24 - 0207
	SUNRISE 7.24.24 - 0001130
	SUNRISE 7.24.24 - 0001263
	SUNRISE 7.24.24 - 0001639
	SUNRISE 7.24.24 - 0002780
	SUNRISE 7.24.24 - 0007491
	SUNRISE 7.24.24 - 0011050
	SUNRISE 08.01.24 - 0023256
	SUNRISE 7/23/24 - 0211
	Sunrise-TAP-000225
	SUNRISE 8.01.24 - 0021852
	Sunrise-TAP-000253
	Sunrise-TAP-000347
	Sunrise-TAP-000001
SUNRISE 7/23/24 - 0342	
Sunrise-TAP-000066	
Sunrise-TAP-000185	
Sunrise-TAP-000200	
Sunrise-TAP-000346	

EXHIBIT B

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580

Bureau of Competition
Mergers II Division

August 29, 2024

VIA EMAIL TRANSMISSIONSunrise Brands, LLC c/o
Patrick Downes
Manteau Downes LLP
1901 Ave. of the Stars, Suite 200
Los Angeles, CA 90067
pdownes@manteaudownes.comRE: *In the Matter of Tapestry, Inc. and Capri Holdings Limited*, Docket No. 9429

Dear Patrick Downes:

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intends to offer the documents and testimony referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. Please let me know if you need copies of the documents and testimony referenced in Attachment A.

The administrative trial is scheduled to begin on September 25, 2024. All exhibits admitted into evidence become part of the public record unless Administrative Law Judge Dania L. Ayoubi grants *in camera* status (i.e., non-public/confidential).

For documents or testimony that include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R. §§ 3.45 and 4.10(g). Judge Ayoubi may order materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly-defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk, LLC*, 2015 FTC LEXIS 39 (Feb. 23, 2015); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the material. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (Apr. 23, 2004). For your convenience, we included, as links in the cover email, an example of a third-party motion (and the accompanying declaration or affidavit) for *in camera* treatment that was filed and granted in an FTC administrative proceeding. If you choose to move for *in camera* treatment, you must provide a copy of the document(s) for which you seek such treatment to the Administrative Law Judge. Also, you or

PUBLIC

your representative will need to file a Notice of Appearance in the administrative proceeding. For more information regarding filing documents in adjudicative proceedings, please see <https://www.ftc.gov/about-ftc/bureaus-offices/office-secretary/document-filing>.

Please be aware that under the current Scheduling Order **the deadline for filing motions seeking *in camera* treatment is September 10, 2024**. A copy of the May 16, 2024 Scheduling Order can be found at [Tapestry/Capri](#). If you have any questions, please feel free to contact me at (202) 326-3672 or nlindquist@ftc.gov.

Sincerely,

/s/ Nicole Lindquist

Nicole Lindquist

Counsel Supporting the Complaint

Attachment



UNITED STATES OF AMERICA
 FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580

Bureau of Competition
 Mergers II Division

September 6, 2024

VIA EMAIL TRANSMISSION

Sunrise Brands, LC
 c/o Patrick Downes
 Manteau Downes LLP
 1901 Ave. of the Stars, Suite 200
 Los Angeles, CA 90067
 pdownes@manteaudownes.com

RE: *In the Matter of Tapestry, Inc. and Capri Holdings Limited*, Docket No. 9429

Dear Patrick Downes:

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission’s Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intends to offer the additional deposition transcript referenced below into evidence in the administrative trial in the above-captioned matter. Please let me know if you need a copy of the deposition transcript.

Ex No.	Description	Date	Bates-Begin	Bates-End
PX5063	[REDACTED]	8/21/2024	PX5063-001	PX5063-061

The administrative trial is scheduled to begin on September 25, 2024. All exhibits admitted into evidence become part of the public record unless Administrative Law Judge Dania L. Ayoubi grants *in camera* status (i.e., nonpublic/confidential).

For documents or testimony that include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R §§ 3.45 and 4.10(g). Judge Ayoubi may order materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly-defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk, LLC*, 2015 FTC LEXIS 39 (Feb. 23, 2015); *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the material. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (Apr. 23, 2004). For your convenience, we included, as links in the Complaint Counsel’s email dated August 29, 2024, an example of a third-party motion

(and the accompanying declaration or affidavit) for *in camera* treatment that was filed and granted in an FTC administrative proceeding. If you choose to move for *in camera* treatment, you must provide a copy of the document(s) for which you seek such treatment to the Administrative Law Judge. Also, you or your representative will need to file a Notice of Appearance in the administrative proceeding. For more information regarding filing documents in adjudicative proceedings, please see <https://www.ftc.gov/about-ftc/bureaus-offices/office-secretary/document-filing>.

Please be aware that under the current Scheduling Order **the deadline for filing motions seeking *in camera* treatment is September 10, 2024**. A copy of the May 16, 2024 Scheduling Order can be found at [Tapestry/Capri](#). If you have any questions, please feel free to contact me at (202) 326-3672 or nlindquist@ftc.gov.

Sincerely,

/s/ Nicole Lindquist

Nicole Lindquist

Counsel Supporting the Complaint

msrevault@manteaudownes.com

To: Marie-Sophie Revault
Subject: RE: FW: FTC v. Tapestry, Inc. - Sunrise Brands Materials

From: Kimon.Triantafyllou@lw.com <Kimon.Triantafyllou@lw.com>
Sent: Friday, August 30, 2024 4:01 PM
To: pdownes@manteaudownes.com
Cc: David.Johnson@lw.com; Mary.Casale@lw.com
Subject: FTC v. Tapestry, Inc. - Sunrise Brands Materials

Counsel,

Pursuant to the Scheduling Order and Protective Order *In the Matter of Tapestry Inc., and Capri Holdings Ltd.*, Dkt No. 9439 (attached for reference) and 16 C.F.R. § 3.45(b), we are providing notice that we intend to offer materials or testimony provided by Sunrise Brands, LLC (the “third party”) as evidence at the FTC’s Part 3 administrative evidentiary hearing beginning on September 25, 2024 in Washington, DC. Accordingly, pursuant to the Scheduling Order in this matter, if a third party wishes *in camera* treatment for a document or transcript that a party intends to introduce into evidence, that third party shall file an appropriate motion with the Administrative Law Judge within ten (10) days after it receives notice of a party’s intent to introduce such material. Respondents will not oppose any proposed *in camera* treatment. The materials and/or testimony included are:

- Sunrise-TAP-000347
- Sunrise-TAP-000346
- Sunrise-TAP-000253
- Sunrise-TAP-000225
- Sunrise-TAP-000200
- Sunrise-TAP-000185
- Sunrise-TAP-000066
- Sunrise-TAP-000001
- SUNRISE 8.01.24 - 0021852
- SUNRISE 7-17-24 - 0207
- SUNRISE 7/23/24 - 0342
- SUNRISE 7/23/24 - 0211
- SUNRISE 7.30.24 – 0020104
- SUNRISE 7.24.24 –0010877

- SUNRISE 7.24.24 – 0011050
- SUNRISE 7.24.24 - 0007491
- SUNRISE 7.24.24 – 0002780
- SUNRISE 7.24.24 – 0001639
- SUNRISE 7.24.24 – 0001263
- SUNRISE 7.24.24 – 0001130
- SUNRISE 7.24.24 - 0001100
- SUNRISE 6-26-24 – 0180
- SUNRISE 6-26-24 – 0153
- SUNRISE 6/26/24 - 0152
- SUNRISE 5/24/24 – 0012
- SUNRISE 08.01.24 – 0023256
- 2024.05.24 SUNRISE – 0001
- [REDACTED]
- [REDACTED]

We are also filing in *FTC v. Tapestry, Inc.*, No. 24-cv-3109 (S.D.N.Y.) proposed findings of fact and conclusions of law that contain some of the Confidential Material of Sunrise Brands, LLC that we have previously identified to you and filed under seal in the federal proceeding. The materials and/or testimony included are:

- SUNRISE 6-26-24 – 0180
- [REDACTED]
- [REDACTED]

We plan on filing any Confidential Material under seal and believe that, under the protective order, any third-party Confidential Material may be filed under seal without a motion and no further motion or letter is required of third-parties, unless ordered by the Court. See P.O. Para. 9, ECF No. 70.

Best,

Kimon

Kimon Kimball Triantafyllou

LATHAM & WATKINS LLP

[555 Eleventh Street, NW](#)

[Suite 1000](#)

[Washington, D.C. 20004-1304](#)

Direct Dial: +1.202.637.2145

Email: kimon.triantafyllou@lw.com

<https://www.lw.com>

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at www.lw.com.

EXHIBIT C

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

Tapestry, Inc.
a corporation,

and

Capri Holdings Limited,
a corporation.

Respondents.

DOCKET NO. 9429

DECLARATION OF SABRINA MATLOOB IN SUPPORT OF NON-PARTY SUNRISE BRANDS, LLC'S MOTION FOR *IN CAMERA* TREATMENT

Pursuant to 28 U.S.C. 1746, I hereby declare as follows:

1. As in-house counsel of Sunrise Brands, LLC (“Sunrise”), I make this declaration in support of non-party Sunrise’s Motion for *In Camera* Treatment. I have personal knowledge of the matters stated herein, and, if called upon to do so, could competently testify about them.

2. Sunrise is a company that owns and operates premiums brands in the apparel and lifestyle industry.

3. As part of the related case to the above-captioned proceeding, *FTC v. Tapestry, Inc.*, Case No. 1:24-cv-03109-JLR (S.D.N.Y), Tapestry, Inc. (“Tapestry”), issued a subpoena to Sunrise, seeking certain confidential business information. After several meetings and conferences with Tapestry, and in reliance on the assurances in the Stipulated Protective Order dated May 1, 2024 entered in such case (“Protective Order”) – Sunrise produced certain responsive documents,

reflecting Sunrise's confidential, proprietary and competitively sensitive information. Sunrise designated such information as "Confidential Material" pursuant to the Protective Order.

4. Sunrise is a private company. The information contained in the produced documents is not public and is treated as highly confidential by Sunrise. The public disclosure of Sunrise's information pertaining to its manufacturers, competitor analysis, revenue, sales, and customer analysis, would plainly cause serious competitive injury to Sunrise. *See, e.g., Grand River Enterprises Six Nations, Ltd. v. King*, No. 02 CIV 5068(JFK), 2009 WL 222160, at *3 (S.D.N.Y. Jan. 30, 2009) ("Numerous courts have found that, even with a protective order in place, the disclosure of commercially sensitive information to reliable and well-intentioned experts can be harmful."). Sunrise has made this same request with its documents to be introduced at the preliminary injunction hearing set for September 9, 2024, et. seq., and I am not aware that any party has disputed Sunrise's position.

5. I understand that the FTC notified Sunrise that it intends to use certain documents produced by Sunrise (specifically, Exhibits PX3090, PX3156, PX2161, PX3162, PX3163, PX3165, PX3166, PX3170, PX3175, PX3195, PX3196, PX4000, PX5058, PX5063) in an upcoming administrative evidentiary hearing. Further, it is my understanding that Tapestry also notified Sunrise that it intends to use certain documents produced by Sunrise in an upcoming administrative evidentiary hearing (specifically, Sunrise-TAP-000347, Sunrise-TAP-000346, Sunrise-TAP-000253, Sunrise-TAP-000225, Sunrise-TAP-000200, Sunrise-TAP-000185, Sunrise-TAP-000066, Sunrise-TAP-000001, SUNRISE 8.01.24 – 0021852, SUNRISE 7-17-24 – 0207, SUNRISE 7/23/24 – 0342, SUNRISE 7/23/24 – 0211, SUNRISE 7.30.24 – 0020104, SUNRISE 7.24.24 –0010877, SUNRISE 7.24.24 – 0011050, SUNRISE 7.24.24 – 0007491, SUNRISE 7.24.24 – 0002780, SUNRISE 7.24.24 – 0001639, SUNRISE 7.24.24 – 0001263, SUNRISE

7.24.24 – 0001130, SUNRISE 7.24.24 – 0001100, SUNRISE 08.01.24 – 0023256, 2024.05.24 SUNRISE – 0001, SUNRISE 6-26-24 – 0180, SUNRISE 6-26-24 – 0153, SUNRISE 6/26/24 – 0152, SUNRISE 5/24/24 – 0012). These documents include information about Sunrise’s competitive business strategy, sales data, customer analysis and market positioning.

6. The documents notified by the FTC notably include internal communications regarding confidential projections, sales data and business strategy (PX3163, PX3165, PX3170, PX3156, PX3161, PX3162, PX3166 and PX3175), confidential customer surveys from 2020 and 2023 (PX3090, PX3195 and PX3196) and deposition testimonies concerning the foregoing and other confidential and competitively sensitive matters (PX5058 and PX5063).

7. The documents notified by Tapestry notably include confidential presentations including sales data and business strategy (Sunrise-TAP-000253, Sunrise-TAP-000066, Sunrise-TAP-000185, Sunrise-TAP-000200, SUNRISE 7.24.24 – 0001639, SUNRISE 7-17-24 – 0207 and SUNRISE 7.24.24 – 0001100), confidential customer surveys (SUNRISE 6-26-24 – 0152 and SUNRISE 6-26-24 – 0180) and internal communications including confidential sales data, growth and business strategy (Sunrise-TAP-000225, SUNRISE 7.24.24 – 0010877, SUNRISE 7.24.24 – 0001263 and SUNRISE 7.24.24 – 0007491).

8. At all times, Sunrise has taken precautions to maintain the confidentiality of this information, including adequate technical protections for its data, requiring employees to maintain confidentiality of Sunrise information and asserting confidentiality in response to service of process, such as here. If Sunrise’s competitors knew about such information, it would provide competitors with insight into confidential aspects of Sunrise’s business and harm Sunrise’s competitive position. Because Sunrise would experience a clearly defined and serious injury,

Sunrise respectfully requests *in camera* treatment of this information for ten years. Such treatment would protect Sunrise from competitive harm.

9. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed September 12, 2024, at London, England

/s/ Sabrina Matloob

Sabrina Matloob

EXHIBIT D

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**Tapestry, Inc.
a corporation,**

and

**Capri Holdings Limited,
a corporation.**

Respondents.

DOCKET NO. 9429

**[PROPOSED] ORDER GRANTING NON-PARTY SUNRISE BRAND'S, LLC
UNOPPOSED MOTION FOR *IN CAMERA* TREATMENT**

Pursuant to Rule 3.45(b) of the Rules of Practice of the Federal Trade Commission (“FTC”), Non-Party Sunrise Brands, LLC has filed a motion for *in camera* treatment. Neither the FTC nor Respondents oppose this motion.

Sunrise Brands, LLC’s motion for *in camera* treatment as to the documents PX3090, PX3156, PX2161, PX3162, PX3163, PX3165, PX3166, PX3170, PX3175, PX3195, PX3196, PX4000, PX5058, PX5063, Sunrise-TAP-000347, Sunrise-TAP-000346, Sunrise-TAP-000253, Sunrise-TAP-000225, Sunrise-TAP-000200, Sunrise-TAP-000185, Sunrise-TAP-000066, Sunrise-TAP-000001, SUNRISE 8.01.24 – 0021852, SUNRISE 7-17-24 – 0207, SUNRISE 7/23/24 – 0342, SUNRISE 7/23/24 – 0211, SUNRISE 7.30.24 – 0020104, SUNRISE 7.24.24 –0010877, SUNRISE 7.24.24 – 0011050, SUNRISE 7.24.24 – 0007491, SUNRISE 7.24.24 – 0002780, SUNRISE 7.24.24 – 0001639, SUNRISE 7.24.24 – 0001263, SUNRISE 7.24.24 – 0001130, SUNRISE 7.24.24 – 0001100, SUNRISE 08.01.24 – 0023256, 2024.05.24 SUNRISE – 0001, SUNRISE 6-26-24 – 0180, SUNRISE 6-26-24 – 0153, SUNRISE 6/26/24 – 0152 and SUNRISE 5/24/24 – 0012 is GRANTED. Before these documents

are offered into evidence and before any of the information contained therein is referred to in court, the parties shall identify such document and the subject matter therein as *in camera*, inform the court reporter of the trial exhibit number of such document, and request that the hearing go into an *in camera* session.

ORDERED:

Dania L. Ayoubi
Administrative Law Judge

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2024, I filed the foregoing documents electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, DC 20580
ElectronicFilings@ftc.gov

Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
oalj@ftc.gov

I also certify that I caused the foregoing document to be served via electronic mail to:

Abby Lauren Dennis
Danielle C. Quinn
Andrew Lowdon
Blake Risenmay
Brandon Boxbaum
Frances Anne Johnson
Kassandra DiPietro
Laura Antonini
Nicole Lindquist
Peggy Femenella
Peter Colwell
Sarah Kerman
Timothy Patrick Singer
Victoria Sims
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, DC 20580
adennis@ftc.gov
dquinn@ftc.gov
alowdon@ftc.gov
brisenmay@ftc.gov
bboxbaum@ftc.gov
fjohnson@ftc.gov
kdipietro@ftc.gov
lantonini@ftc.gov
nlindquist@ftc.gov
pbayer@ftc.gov
pcolwell@ftc.gov
skerman@ftc.gov
tsinger@ftc.gov
vsims@ftc.gov

David Johnson
Chris Brown
Kimon Triantafyllou
Brian Nowak
Patrick Dezil
Latham & Watkins LLP
1271 Avenue of the Americas
New York, NY 10020-1401
Counsel for Tapestry, Inc.
David.Johnson@lw.com
Chris.Brown@lw.com
Kimon.Triantafyllou@lw.com
Brian.Nowak@lw.com
Patrick.Dezil@lw.com

Jonathan M. Moses
Brittany Fish, Esq.
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019
Counsel for Capri Holdings Limited

JMMoses@wlrk.com
BAFish@wlrk.com

Dated: September 13, 2024

MANTEAU DOWNES LLP

By: /s/ Marie-Sophie Revault
Marie-Sophie Revault
The Chrysler Building
405 Lexington Avenue, 26th Floor
New York, New York 10174
Telephone: 347.366.1675
Email: msrevault@manteaudownes.com

Attorneys for non-party Sunrise Brands, LLC