

PUBLIC-REDACTED

PUBLIC

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE

05 30 2018

590935

COMMISSIONERS: Joseph Simons, Chairman
Maureen Ohlhausen
Rohit Chopra
Noah Phillips
Rebecca Slaughter

In the Matter of

Tronox Limited
a corporation,

National Industrialization Company

Docket No. 0377

a corporation,

CAMERA TREATMENT PURSUANT TO ETC RULE 3.45

competitive injury to PPG. PPG also requests that any hearing testimony be maintained *in camera*.

[REDACTED]

[REDACTED]

Exhibit No.	Document Title/Description	Date	Beginning Bates No.	Ending Bates No.	Full or Partial Treatment
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document be maintained *in camera*.

BACKGROUND

PPG is a manufacturer and distributor of coatings products, for which one of the key input materials is TiO2. On May 23, 2018 and May 24, 2018, Mr. Paul Malichky testified on behalf of PPG at trial. On May 24, on cross-examination, Respondents introduced a PPG document bearing Bates number PPG-TROX-00002256 – PPG-TROX-00002260, which had been designated Confidential pursuant to the Protective Order in this matter. Respondents marked this document RX2003 and moved it into evidence.

~~PPG respectfully requests that in-camera treatment be granted to PPG's Confidential Information.~~

years.

LEGAL STANDARD

Under FTC Rule 3.45(b), *in camera* treatment is appropriate where “public disclosure would 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). Stated differently, *in camera* treatment should be granted where the information is “sufficiently secret and sufficiently material to the applicant’s business that disclosure would result in serious competitive injury.” *In re General Foods Corp.*, 95 F.T.C. 352, 355 (1980).

In assessing whether information is sufficiently secret and material, the Commission 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;

[REDACTED]

customers, competitors, or suppliers. No part of this document is to be disclosed to the public.

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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would remain Confidential. Moreover, the serious competitive harm that PPG would suffer

[REDACTED]

of 10 years.

CONCLUSION

For the foregoing reasons, PPG respectfully requests that the Commission grant its motion for *in camera* treatment pursuant to FTC Rule 3.45(b) for a period of ten years.

Dated: May 30, 2018

Respectfully submitted,

/s/ J. Robert Robertson

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Attorneys for PPG Industries, Inc.

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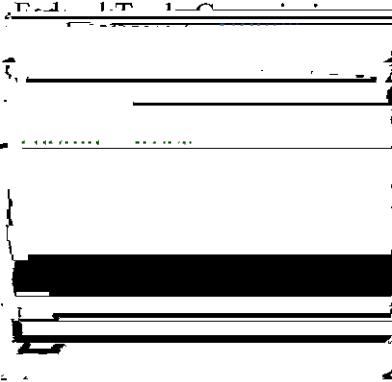
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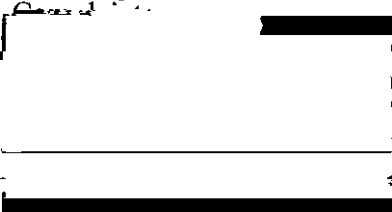
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PUBLIC
AL TRADE MARK

05 30 2018

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EXHIBIT A

DOCUMENTARY FILM

***IN CAMERA* TREATMENT REQUESTED**

Notice of Electronic Service

I hereby certify that on May 20, 2019, I filed the following documents with the Court:

[REDACTED]

[REDACTED]

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ORIGINAL

EXHIBIT B

DECLARATION OF PAUL MALICHKY

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Joseph Simons, Chairman**
 Maureen Ohlhausen
 Rohit Chopra
 Noah Phillips
 Rebecca Slaughter

In the Matter of

Tronox Limited
 a corporation,

National Industrialization Company
(TASNEE)
 a corporation,

National Titanium Dioxide
Company Limited (Cristal),
 a corporation,

AND

Cristal USA Inc.
 a corporation.

Docket No. 9377

DECLARATION OF PAUL MALICHKY IN SUPPORT OF NON-PARTY PPG
INDUSTRIES, INC.'S SUPPLEMENTAL MOTION FOR *IN CAMERA* TREATMENT

I, Paul Malichky, hereby declare as follows:

1. I am the Director of Raw Material Purchasing for PPG Industries, Inc. (“PPG”). I make this declaration in support of Non-Party PPG Industries, Inc.’s Motion for *In Camera* Treatment (the “Motion”). I have personal knowledge of the matters stated herein and, if called upon to do so, could competently testify about them.

2. PPG, based in Pittsburgh, Pennsylvania, is a global manufacturer of coatings products, for which one of the key input materials is titanium dioxide (“TiO₂”). I joined PPG in

2008 and have worked in various capacities at PPG since then, including as Manager, Regulatory and Emerging Issues; Director, Product Stewardship; and now as Director of Raw Material

3. In my current position, I am responsible for procuring all of the TiO₂ used by PPG, which includes negotiating volume, pricing, and other aspects of supply with TiO₂ suppliers. I am also involved in developing and implementing PPG's TiO₂ supply strategies, which include among other things, developing alternative sources of supply and exploring TiO₂ alternatives.

4. I testified in the administrative hearing in this matter on May 23 and May 24, 2018. During my cross-examination on May 24, counsel for Tronox asked me questions about a

PPG document bearing the Dates ~~PPG TRONOX 00000056~~ PPG TRONOX 00000056

PPG TRONOX 00000056

Notice of Electronic Service

I hereby certify that on May 20, 2019, I filed with the Court the following documents:

[REDACTED]

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UNITED STATES OF AMERICA

05 30 2018

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COMMISSIONERS: Maureen Ohlhausen, Acting Chairman

In the Matter of

Tronox Limited
a corporation,

National Industrialization Company
(TASNEE)
a corporation,

Docket No. 9377

National Titanium Dioxide
Company Limited (Cristal),
a corporation,

AND

Cristal USA Inc.

[PROPOSED] ORDER

[REDACTED]

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Dated: _____, 2018.

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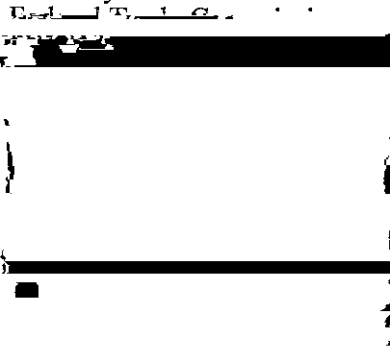
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of May, 2018, I filed

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I also hereby certify that I caused a true and correct copy of the foregoing documents to

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