



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Cases No: 1251-1255/1/12/16

BETWEEN:

**GENERICS (UK) LIMITED**

Appellant

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**GLAXOSMITHKLINE PLC**

Appellant

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**(1) XELLIA PHARMACEUTICALS APS  
(2) ALPHARMA LLC**

Appellants

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**ACTAVIS UK LIMITED**

Appellant

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**MERCK KGAA**

Appellant

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER**

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**UPON** reading the papers filed with the Tribunal

**AND UPON** the application of GlaxoSmithKline PLC (“GSK”) dated 20 January 2017 to adduce a further witness statement of Mr Andrew Sellick of the same date (“Second Sellick Statement”)

**AND UPON** the application of the Competition and Markets Authority (“CMA”) to adduce a further expert report of Ms Rachel Webster in reply to the expert report of Dr Robert Stillman of 27 January 2017 (“the Further Stillman Report”) and for an extension of time for the Joint Statement involving Ms Webster from 3 February 2017 until 8 February 2017

**AND UPON** hearing the legal representatives of the parties at a pre-trial review convened on 7 February 2017

**IT IS ORDERED THAT:**

**Evidence and skeleton arguments**

1. GSK has permission to adduce the Second Sellick Statement in its entirety.
2. The CMA’s application to adduce a further expert report of Ms Webster is refused. Ms Webster is granted permission to append to the Joint Statement further analyses in tabular or graphic form, limited to four pages, concerning the new analyses in the Further Stillman Report.
3. The evidence of the parties’ expert economists discussed in the Joint Statement involving Professor Carl Shapiro dated 20 January 2017 (“the Shapiro Issues”) shall be given concurrently.
4. The evidence of the parties’ expert economists to be discussed in the forthcoming Joint Statement involving Ms Webster (“the Webster Issues”) shall be given sequentially.
5. Each Appellant is to indicate in its skeleton argument which issues it will lead on and which submissions made by the lead Appellant on the remaining issues it adopts or rejects.

**Timetable revisions**

6. The Joint Statement involving Ms Webster shall be produced and lodged with the Tribunal by 4pm on 8 February 2017.
7. The Appellants shall file and serve their skeleton arguments by 12noon on 15 February 2017.
8. There shall be no extension of time for the filing and service of the CMA’s skeleton argument.
9. The timetable for the Hearing be as set out in the Annex to this Order

**Costs etc**

10. Costs be reserved.
11. There be liberty to apply.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 7 February 2017  
Drawn: 10 February 2017

ANNEX

**Hearing Timetable**

<b>Week</b>	<b>Date</b>	<b>Part of hearing</b>
1	27-28.02.17 01-03.03.17	Appellants' opening submissions on the Chapter I ("Ch. I") issues CMA's opening submissions on the Ch. I issues and cross-examination of the Appellants' factual witnesses
2	06.03.17 07.03.17 08.03.17 09.03.17 10.03.17 (a.m.) 10.03.17 (p.m.)	CMA cross-examination of factual witnesses (continued) Concurrent evidence on the Shapiro Issues (Ch. I) <i>Non-sitting day</i> Concurrent evidence on the Shapiro Issues (Ch. I) (continued) Concurrent evidence on the Shapiro Issues (Ch. I) (continued) Sequential evidence on the Webster Issues
3	13-14.03.17 15-16.03.17 17.03.17	Sequential evidence on the Webster Issues (continued) GSK and CMA's opening submissions on Chapter II ("Ch. II") issues and concurrent evidence on the Shapiro Issues (Ch. II) <i>Non-sitting day</i>
-	20-24.03.17	<i>Non-sitting week</i>
4	27.03.17  28.03.17  29-30.03.17 31.03.17	Appellants' closing submissions - GSK 10:30am until 1pm and 2pm until 3pm - Second Appellant 3pm until 5pm Appellants' closing submissions (continued) - Third Appellant 10:00am until 12noon - Fourth Appellant 12noon until 1pm and 2pm until 3pm - Fifth Appellant 3pm until 5pm CMA's closing submissions Appellants' replies