



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Nos: 1524/1/12/22  
1525/1/12/22

BETWEEN:

- (1) PFIZER INC.  
(2) PFIZER LIMITED

Appellants

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

AND BETWEEN

- (1) FLYNN PHARMA LIMITED  
(2) FLYNN PHARMA (HOLDINGS) LIMITED

Appellants

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER**

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UPON reading the notices of appeal of (i) Pfizer Inc. and Pfizer Limited (“Pfizer”); and (ii) Flynn Pharma Limited and Flynn Pharma (Holdings) Limited (“Flynn”) relating to the decision of the Competition and Markets Authority (the “CMA) dated 21 July 2022 and entitled “Unfair pricing in respect of the supply of phenytoin sodium capsules in the UK – Case 50908”

**AND UPON** reading the submissions of the parties filed in advance of the case management conference on 15 November 2022 (“the CMC”)

**AND UPON** hearing counsel for the parties at the CMC

**IT IS ORDERED THAT:**

**Forum**

1. The appeals be treated as proceedings in England and Wales for the purposes of Rule 18 of the Competition Appeal Tribunal Rules 2015.

**Interventions**

2. Pfizer and Flynn each be granted permission to intervene in the other appeal.
3. Statements of intervention be dispensed with.

**Future conduct of the appeals**

4. The appeals be heard together.
5. Evidence in each appeal shall stand as evidence in the other appeal so far as relevant.
6. By 5pm on 31 March 2023 Pfizer and Flynn shall each file and serve a Reply (if so advised) and any supporting evidence.
7. A further case management conference be fixed on 17 May 2023.
8. The main hearing in these appeals shall commence on 6 November 2023 with a time estimate of four weeks (not sitting on Fridays save for when directed otherwise by the Tribunal), which will not include oral closing submissions.

9. Each party shall file and serve written closing submissions by 5pm on 8 December 2023.
10. Oral closing submissions shall commence on 11 December 2023 with a time estimate of three days.
11. Costs be reserved.
12. There be liberty to apply.

**Sir Marcus Smith**

President of the Competition Appeal Tribunal

Made: 15 November 2022

Drawn: 25 January 2023