



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

CONFIDENTIALITY RING ORDER

UPON the case management conference in these proceedings on 15 November 2022

AND UPON the parties having agreed to the terms of this Order

IT IS ORDERED BY CONSENT THAT:

1. This Order becomes effective in respect of each of the persons named in Part A of the Schedule to this Order only upon receipt by the Tribunal of a signed undertaking in the terms of either Part B(i) or B(ii) of the Schedule to this Order.

2. For the purposes of this Order:
 - (a) **“Confidential Information”** means information contained in the Relevant Documents (as defined below), where such information (i) has been identified by any party to these proceedings and (ii) is (or is likely to be) accorded confidential treatment pursuant to Rule 99 and/or Rule 101 of the Competition Appeal Tribunal Rules 2015.

 - (b) **“Relevant Advisers”** are those persons:
 - (i) listed in Part A(i) of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B(i) of the Schedule to this Order; or

 - (ii) listed in Part A(ii) of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B(ii) of the Schedule to this Order; or

 - (iii) authorised by the Tribunal upon further application.

 - (c) **“Relevant Documents”** means pleadings and other documents filed, served and/or disclosed by the parties for the purposes of these proceedings.

3. Each of the parties (as appropriate) shall hereafter disclose to the other parties the unredacted versions of the Relevant Documents containing Confidential Information on the condition that such unredacted versions shall be disclosed only to the Relevant Advisers or any Competition and Markets Authority employee who is for the time being working on these proceedings or the matters which have given rise to them and not to any other officer or employee of that party or to any other person.

4. All such unredacted versions of the Relevant Documents must be marked or highlighted so as to indicate the parts in relation to which confidential treatment is claimed, in the manner referred to in paragraph 7.46 of the Tribunal's Guide to Proceedings 2015. A system of colour-coding shall be used to indicate to which party the Confidential Information belongs (or such other system as the parties shall agree where colour-coding is considered unworkable).
5. Nothing in this Order shall prohibit any Relevant Adviser from:
 - (a) Providing any information to the Tribunal;
 - (b) Making use of any necessary in-house secretarial, IT, and other support personnel (not including trainee solicitors or paralegals) under the supervision of Relevant Advisers, provided that the terms of employment of such personnel oblige them to maintain the confidentiality of the Confidential Information and to adhere to the obligations in terms of Part B(i) or Part B(ii) (as applicable) of the Schedule to this Order;
 - (c) Granting access to Confidential Information contained in any Relevant Document to an external eDisclosure/eBundle or litigation support provider engaged by or on behalf of the parties in connection with these proceedings in order to provide eDisclosure/eBundle or similar services in this case and whose identity is notified in writing to the other parties in advance, provided always that the provider has been engaged on terms that impose the confidentiality obligations required by this Order and the terms of Part B(i) or Part B(ii) (as applicable) of the Schedule to this Order.
6. If any party wishes to add any additional person as a Relevant Adviser for the purpose of this Order, they shall:
 - (a) Obtain the consent of each of the other parties (such consent not to be unreasonably withheld and to be provided within 7 days of the request being made) and, following receipt of such consents, provide to the Tribunal a copy of the corresponding signed undertaking in the terms of either Part B(i) or B(ii)

of the Schedule to this Order and provide to the Tribunal and the other parties an updated Part A of the Schedule to this Order; or

- (b) If such consent is not given by each of the other parties, apply to the Tribunal in writing, copied to the other parties, indicating whether each of the other parties consents or does not consent to the addition of that person. Where any additional person is added as a Relevant Adviser by the Tribunal, the relevant party shall provide to the Tribunal a copy of the corresponding signed undertaking in the terms of either Part B(i) or B(ii) of the Schedule to this Order and provide to the Tribunal and the other parties an updated Part A of the Schedule to this Order.
7. If any party wishes one of its Relevant Advisers to be removed as a Relevant Adviser for the purpose of this Order, they shall inform the Tribunal in writing (copying the representatives of the other parties) and provide to the Tribunal and the other parties an updated Part A of the Schedule to this Order.
8. Nothing in this Order prevents the disclosure of any information to the Competition and Markets Authority (including any Competition and Markets Authority employee) to facilitate the exercise of its functions.
9. There be liberty to apply.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 23 December 2022
Drawn: 23 December 2022

SCHEDULE

Part A

This Part contains the names, for each party, of Relevant Advisers:

Part A(i)

Flynn Pharma Limited and Flynn Pharma (Holdings) Limited

External solicitors (Macfarlanes LLP)

Cameron Firth

Christophe Humpe

Matthew Redfern

Gina Sternberg

Freddy Rendall

Concobhar Jolliffe-Grimes

External counsel

Daniel Jowell KC

Tom Pascoe

Alastair Richardson

External experts

Raphaël de Coninck

Mikaël Hervé

Christian Michel

Elina Koustoumpardi

Gevorg Khandamiryan

Richard Francis Howat Williams

Pfizer Inc. and Pfizer Limited

External solicitors (Clifford Chance LLP)

Luke Tolaini

Ben Jasper

Helene Almas

Golshan Mahdi-Nau

Julia Kono

Isabella Van Niekerk

Isabelle Booth

External counsel

Mark Brealey KC

Robert O'Donoghue KC

Tim Johnston

Sarah O'Keeffe

External experts

Adrian Majumdar

Jackson McDonough

Bojana Ignjatovic

Paul Hutchinson

Linus Adelt

Adrian Towse

Chris Skedgel

Professor Matthew Walker

CMA

External Counsel

Josh Holmes KC

David Bailey

Julianne Morrison

Jennifer MacLeod

Hugo Leith

Tom Leary

External Experts

Ley Sander

Rachel Webster

Greg Harman

Part A(ii)

Flynn Pharma Limited and Flynn Pharma (Holdings) Limited

Warren Roiter

Pfizer Inc. and Pfizer Limited

John McLeod

Chris Phillips

Part B: Form of undertakings

Part B(i)

Case 1524/1/12/22: Pfizer Inc. & Another v Competition and Markets Authority

Case 1525/1/12/22: Flynn Pharma Ltd & Another v Competition and Markets Authority

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser listed in Part A(i) of the Schedule to this Order undertakes that they will comply with the following requirements in the following terms:

UNDERTAKING

I, *[name]*, of *[firm, company or establishment]* being *[legal or other qualification]* and regulated so far as my professional conduct is concerned by *[regulatory body, if any]* undertake to the Tribunal as follows:

1. I have read a copy of the Tribunal's Order of 23 December 2022 (the "**Tribunal's Order**") and understand the implications of the Tribunal's Order and the giving of this undertaking.
2. Save in respect of provision to the Tribunal, I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not a Relevant Adviser (as defined in the Tribunal's Order) or a Competition and Markets Authority ("**CMA**") employee who is for the time being working on these proceedings or the matters which have given rise to them without the consent of the party originally disclosing the Confidential Information or the permission of the Tribunal.
3. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
4. The Relevant Documents (as defined in the Tribunal's Order) containing the Confidential Information will remain in my custody or the custody of another Relevant Adviser or CMA employee at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access or disclosure.
5. The production of further copies by me of the Relevant Documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers or CMA employees for the purposes of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies of the Relevant Documents containing the Confidential Information in paper form will be returned to the party originally disclosing the documents at the conclusion of the present proceedings (including the determination of any appeals); any

such copies and the Relevant Documents in electronic form will be returned where possible or, where that is not possible, will be securely disposed of insofar as technologically possible or rendered inaccessible from any computer systems, disk or device so that the Confidential Information is not readily available to any person at the conclusion of these proceedings (including the determination of any appeals).

7. Save that none of the requirements listed at paragraphs 2 to 6 above shall prevent the Relevant Advisers from disclosing to the party advised by them information (i) of which that party was the original provider in these proceedings, or (ii) which that party has already seen in circumstances not subject to the provisions of the Tribunal's Order.

Name:

Signed:

Date:

Part B(ii)

Case 1524/1/12/22: Pfizer Inc. & Another v Competition and Markets Authority

Case 1525/1/12/22: Flynn Pharma Ltd & Another v Competition and Markets Authority

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser listed in Part A(ii) of the Schedule to this Order undertakes that they will comply with the following requirements in the following terms:

UNDERTAKING

I, [name], of [firm, company or establishment] being [legal or other qualification] and regulated so far as my professional conduct is concerned by [regulatory body, if any] undertake to the Tribunal as follows:

1. I have read a copy of the Tribunal's Order of 23 December 2022 (the "Tribunal's Order") and understand the implications of the Tribunal's Order and the giving of this undertaking.
2. Save in respect of provision to the Tribunal, I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not a Relevant Adviser (as defined in the Tribunal's Order) or a Competition and Markets Authority ("CMA") employee who is for the time being working on these proceedings or the matters which have given rise to them without the consent of the party originally disclosing the Confidential Information or the permission of the Tribunal.
3. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use). For the avoidance of doubt I will not use the Confidential Information in circumstances where I provide [legal] advice within [Pfizer/Flynn] in connection with commercial matters.
4. The Relevant Documents (as defined in the Tribunal's Order) containing the Confidential Information will remain in my custody or the custody of another Relevant Adviser or CMA employee at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access or disclosure.
5. The production of further copies by me of the Relevant Documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers or CMA employees for the purposes of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies of the Relevant Documents containing the Confidential Information in paper form will be returned to the party originally disclosing the documents at the conclusion of the present proceedings (including the determination of any appeals); any

such copies and the Relevant Documents in electronic form will be returned where possible or, where that is not possible, will be securely disposed of insofar as technologically possible or rendered inaccessible from any computer systems, disk or device so that the Confidential Information is not readily available to any person at the conclusion of these proceedings (including the determination of any appeals).

7. Save that none of the requirements listed at paragraphs 2 to 6 above shall prevent the Relevant Advisers from disclosing to the party advised by them information (i) of which that party was the original provider in these proceedings, or (ii) which that party has already seen in circumstances not subject to the provisions of the Tribunal's Order.

Name:

Signed:

Date: