



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

ORDER

UPON the Tribunal's Order made by consent on 23 December 2022 establishing a confidentiality ring in these proceedings (the "Confidentiality Ring Order")

AND UPON considering the letter dated 25 May 2023 from the solicitors for the Pfizer Appellants requesting on behalf of all the parties in these proceedings to amend the form of

undertakings at Part B(i) and B(ii) of the Schedule to the Confidentiality Ring Order to provide for the secure destruction of hard copy and electronic documents, rather than their return, at the conclusion of these proceedings (including the determination of any appeals)

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

IT IS ORDERED BY CONSENT THAT:

1. The form of undertakings at Part B(i) and B(ii) of the Schedule to the Confidentiality Ring Order shall be substituted in their entirety respectively by the Part B(i) and B(ii) form of undertakings annexed to this Order.
2. All individuals who have already provided signed undertakings in terms of either Part B(i) or B(ii) of the Schedule to the Confidentiality Ring Order will be deemed to agree to the undertaking in the terms of either Part B(i) or B(ii) (as applicable) that are annexed to this Order with effect from the made date of this Order unless, within seven days of the date of this Order, they state a desire not to be so bound. Such individuals are no longer required to return any and all copies of the Relevant Documents containing the Confidential Information in paper form at the conclusion of the present proceedings (including the determination of any appeals), provided that any such documents have been securely destroyed.
3. There shall be liberty to apply.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 31 May 2023
Drawn: 31 May 2023

ANNEX

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 securely destroyed at the conclusion of the present proceedings (including the determination of any appeals) and any and all copies of the Relevant Documents containing the Confidential Information in electronic form 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 securely destroyed at the conclusion of the present proceedings (including the determination of any appeals) and any and all copies of the Relevant

Documents containing the Confidential Information in electronic form 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: