



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

Case No: 1415/5/7/21 (T)

BETWEEN:

- (1) THE SECRETARY OF STATE FOR HEALTH AND SOCIAL CARE**
- (2) THE NATIONAL HEALTH SERVICE BUSINESS SERVICES AUTHORITY**
- (3) THE WELSH MINISTERS**
- (4) SWANSEA BAY UNIVERSITY HEALTH BOARD**
- (5) CWM TAF MORGANNWG UNIVERSITY HEALTH BOARD**
- (6) ANEURIN BEVAN UNIVERSITY HEALTH BOARD**
- (7) HYWEL DDA UNIVERSITY HEALTH BOARD**
- (8) BETSI CADWALADR UNIVERSITY HEALTH BOARD**
- (9) POWYS TEACHING HEALTH BOARD**
- (10) CARDIFF & VALE UNIVERSITY HEALTH BOARD**

Claimants

- v -

- (1) LUNDBECK LIMITED**
- (2) H. LUNDBECK A/S**
- (3) GENERICS (U.K.) LIMITED**
- (4) MERCK KGAA**
- (5) ARROW GENERICS LIMITED**
- (6) ARROW GROUP APS**
- (7) RESOLUTION CHEMICALS LIMITED**
- (8) XELLIA PHARMACEUTICALS APS**
- (9) ALPHARMA LLC**
- (10) ~~A.L. INDUSTRIER AS~~**
- (11) SUN PHARMACEUTICAL INDUSTRIES LIMITED**
- (12) SUN PHARMA UK LIMITED**

Defendants

---

## ORDER

---

**UPON** the Defendants' application dated 31 August 2023 for the issue of limitation to be determined as a preliminary issue (the "Preliminary Issue")

**AND UPON** the Tribunal's Order made on 29 September 2023 giving directions for the trial of the Preliminary Issue

**AND UPON** the Tribunal's Order made on 9 February 2024 that (*inter alia*) the Claimants pay the Defendants' reasonable costs of and occasioned by the Limitation Act Case (as defined in that Order)

**AND UPON** hearing counsel for the Claimants and counsel for the Defendants at the trial of the Preliminary Issue on 24 April 2024

**AND UPON** the Tribunal having handed down Judgment on the Preliminary Issue on 21 June 2024 (the "Judgment")

**AND UPON** the Defendants having made a request in writing to the Tribunal for permission to appeal against the Judgment on 10 July 2024

**AND UPON** the Tribunal granting permission to appeal against the Judgment (the "Appeal") in its ruling of 2 August 2024

**AND UPON** the parties agreeing to a stay of the substantive proceedings pending the determination by the Court of Appeal of the Appeal

**IT IS ORDERED THAT:**

1. These proceedings be stayed until five working days after the Court of Appeal hands down judgment in the Appeal.
2. There be liberty to apply.

**Andrew Lenon K.C.**

Chair of the Competition Appeal Tribunal

Made: 22 August 2024

Drawn: 22 August 2024