



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

Case Nos: 1275-1276/1/12/17

BETWEEN

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

Appellants

**-v-**

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**-and-**

AND BETWEEN

**(1) PFIZER INC.**  
**(2) PFIZER 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) Flynn Pharma Limited and Flynn Pharma (Holdings) Limited (“Flynn”); and (ii) Pfizer Inc. and Pfizer Limited (“Pfizer”) relating to the decision of the Competition and Markets Authority (the “CMA”) dated 7 December 2016 and entitled “Unfair pricing in respect of the supply of phenytoin sodium capsules in the UK – Case CE/9742-13”

**AND UPON** reading the applications for permission to intervene from (i) Pfizer and Flynn; (ii) Concordia International Rx (UK) Limited (“Concordia”); and (iii) the British Generic Manufacturers Association (the “BGMA”)

**AND UPON** reading the submissions of the parties filed in advance of the case management conference on 8 March 2017 (the “CMC”)

**AND UPON** hearing counsel for the parties, Concordia and the BGMA at the CMC

**IT IS ORDERED THAT:**

**Forum**

1. The appeals be treated as proceedings in England and Wales.

**Interventions**

2. Pfizer and Flynn each be granted permission to intervene in the other appeal.
3. Statements of intervention be dispensed with.
4. The applications of Concordia and the BGMA for permission to intervene in the appeals be refused.

**Confidentiality**

5. A confidentiality ring be established by separate order to be confined to the parties’ external representatives, five named members of Pfizer’s in-house legal team and Mr Roiter of Flynn.

**Future conduct of the appeals**

6. The appeals be heard together.
7. Evidence in each appeal shall stand as evidence in the other appeal so far as relevant.
8. The main hearing in these appeals commence on 30 October 2017 with a time estimate of four weeks.
9. In relation to the filing and service of further pleadings in the appeals:
  - a. by 5pm on 5 April 2017 the CMA shall file and serve a single consolidated Defence and any supporting evidence.
  - b. by 5pm on 19 May 2017 Pfizer and Flynn shall each file and serve a Reply (if so advised) and any supporting evidence.

10. A further case management be fixed in the second half of June 2017.
11. Costs be reserved.
12. There be liberty to apply.

**Peter Freeman CBE QC (Hon)**  
Chairman of the Competition Appeal Tribunal

Made: 8 March 2017  
Drawn: 14 March 2017