

13 December 2021

Danielle Staltari
Director, Competition Exemptions
Australian Competition & Consumer Commission
Level 17, 2 Lonsdale St
Melbourne VIC 3000

BY EMAIL: danielle.staltari@accc.gov.au

Dear Danielle

Additional information - Application for authorisation of conduct - Settlement and Licence Agreement between Celgene Corporation, Celgene Pty Ltd, Natco Pharma Limited and Juno Pharmaceuticals Pty Ltd

1. Introduction

- 1.1 Minter Ellison acts for Juno Pharmaceuticals Pty Ltd (**Juno**) and Natco Pharma Limited (**Natco**). Jones Day acts for Celgene Corporation and Celgene Pty Ltd (together, **Celgene**) (the **Applicants**).
- 1.2 Thank you for your request for further information dated 7 December 2021 with respect to the application for authorisation dated 3 December 2021 (the **Application**).
- 1.3 This letter comprises the Applicant's response to the confidentiality claim over the authorised launch dates.

2. The Applicant's response

Question 2: Confidentiality claim over the authorised launch dates – We understand that the specific dates are commercially sensitive. However, it is difficult for interested parties to comment on the public benefits of the Proposed Conduct when there is no explanation of the meaning of 'significantly earlier than the expiry dates for the Celgene Patents'. The lack of public information may make it difficult for the ACCC to assess the public benefits claims.

- ***Is there an approach the Applicants can consider which provides a sense of how significant the earlier entry of the generic products will be?***

- 2.1 For the purpose of facilitating the ACCC assessment of the public benefits of the Proposed Conduct, the Applicants consent to confirming publicly in relation to the issue of 'significantly earlier', that:

"the Authorised Launch Date for the Juno/Natco Generic Products is at least 2 months earlier than under any counterfactual involving Juno/Natco launching the Generic Products."

Please contact us if the ACCC requires further information.

Yours faithfully

MinterEllison

Jones Day

Contact: Alice Waterston T: [REDACTED]
[REDACTED]

Contact: Prudence Smith T: [REDACTED]
[REDACTED]

Partner: Geoff Carter T: [REDACTED]
OUR REF: 1355471

Contact: Matthew Bull T: [REDACTED]
[REDACTED]
Ref: 501872 - 750001