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**From:** Smith, Prudence J. [REDACTED]  
**Sent:** Friday, 17 December 2021 4:21 PM  
**To:** Black, Susie  
**Cc:** Deano, Sharon; Staltari, Danielle; Xiao, Lily; Ng, Andrew; Saponaro, Marcello; Bull, Matthew D.; McIntyre, Dylan G.; Alice Waterston; Taliadoros, Lisa; Muratore, Anthony; Geoff Carter; Mitchell, Sophie  
**Subject:** RE: Juno, Natco and Celgene application for authorisation AA1000592 [SEC=OFFICIAL]

Dear Susie,

Celgene (and its parent BMS), in the ordinary course of its business, from time to time enters into settlement and/or licensing agreements with generic suppliers in various jurisdictions around the world, including in respect of lenalidomide and pomalidomide. These agreements are highly commercially sensitive and contain confidentiality clauses preventing broader disclosure.

[REDACTED]

Further, we note that information relating to overseas filings is not relevant to the ACCC's assessment under section 88(1) of the CCA of the proposed conduct. [REDACTED]

[REDACTED]

Kind regards,

**Prudence J. Smith (bio)**

Partner

*Admitted in Australia and New Zealand*

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Level 41, 88 Phillip St.

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**From:** Black, Susie <Susie.Black@acc.gov.au>  
**Sent:** Wednesday, 15 December 2021 3:08 PM  
**To:** Mitchell, Sophie <sophie.mitchell@acc.gov.au>; Geoff Carter [REDACTED]; Smith, Prudence J. [REDACTED]  
**Cc:** Deano, Sharon <sharon.deano@acc.gov.au>; Staltari, Danielle <Danielle.Staltari@acc.gov.au>; Xiao, Lily <lily.xiao@acc.gov.au>; Ng, Andrew <Andrew.Ng@acc.gov.au>; Saponaro, Marcello <marcello.saponaro@acc.gov.au>; Bull, Matthew D. [REDACTED]; McIntyre, Dylan G. [REDACTED]; Alice Waterston [REDACTED]  
**Subject:** RE: Juno, Natco and Celgene application for authorisation AA1000592 [SEC=OFFICIAL]

**\*\* External mail \*\***

**OFFICIAL**

Dear Prudence

Further to our conversation just now in relation to the below email, can you please set out the points you made in writing and we will consider if we need anything further.

I note that your response will be placed on the public register, subject to any claim for confidentiality.

Kind regards  
Susie

**Susie Black**

Director | Mergers, Exemptions and Digital  
Australian Competition & Consumer Commission  
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[www.accc.gov.au](http://www.accc.gov.au)

Office days: Tues, Wed, Fri (please contact [danielle.staltari@acc.gov.au](mailto:danielle.staltari@acc.gov.au) in my absence)

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

Please Note: If you received this message outside your business hours it is because it was a convenient time for me to send it. Please do not feel obliged to respond until your normal work hours.

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**From:** Mitchell, Sophie <[sophie.mitchell@acc.gov.au](mailto:sophie.mitchell@acc.gov.au)>

**Sent:** Wednesday, 15 December 2021 12:37 PM

**To:** Geoff Carter [REDACTED]; Smith, Prudence J. [REDACTED]

**Cc:** Deano, Sharon <[sharon.deano@acc.gov.au](mailto:sharon.deano@acc.gov.au)>; Black, Susie <[Susie.Black@acc.gov.au](mailto:Susie.Black@acc.gov.au)>; Staltari, Danielle <[Danielle.Staltari@acc.gov.au](mailto:Danielle.Staltari@acc.gov.au)>; Xiao, Lily <[lily.xiao@acc.gov.au](mailto:lily.xiao@acc.gov.au)>; Ng, Andrew <[Andrew.Ng@acc.gov.au](mailto:Andrew.Ng@acc.gov.au)>; Saponaro, Marcello <[marcello.saponaro@acc.gov.au](mailto:marcello.saponaro@acc.gov.au)>; Bull, Matthew D. [REDACTED]; McIntyre, Dylan G. [REDACTED]; Alice Waterston [REDACTED]

**Subject:** Juno, Natco and Celgene application for authorisation AA1000592 [SEC=OFFICIAL] [ACCC-ACCANDAER.FID3039132]

**OFFICIAL**

Dear Geoff and Prudence

By way of update, the application for authorisation and associated public documents are now live on the [public register](#) and public consultation has commenced.

As previously requested, could you please provide details of any licensing agreements for the lenalidomide and pomalidomide ingredients that Celgene has entered into with other parties internationally. Please explain whether these agreements have been notified to or approved by other international regulators. If so, please identify the relevant regulator. We would be grateful for a response to this question by close of business Monday 20 December 2021.

A copy of this email will be placed on the ACCC's public register.

Kind regards  
Sophie

**Sophie Mitchell**

Assistant Director (a/g) | Competition Exemptions Branch

**Australian Competition & Consumer Commission**

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[www.accc.gov.au](http://www.accc.gov.au)

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