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Dear Gavin

Response to ACCC press release

We refer to the joint application of Natco Pharma Ltd and Juno Pharmaceuticals Pty Ltd with our client Celgene Corporation and Celgene Pty Ltd (together, **Celgene**) lodged on 3 December 2021 which was withdrawn on 29 July 2022 (**Application**).

Capitalised terms used but not defined in this letter have the meaning given to them in the Application.

On 29 July 2022, the ACCC issued a media release regarding the Application (link [here](#)) which included the following statement:

The applicants sought authorisation for certain provisions of the settlement and licence agreement because they considered there was a risk that the agreement contained provisions which raise concerns under the cartel provisions of the Competition and Consumer Act.

Although the Application has been withdrawn, Celgene believes it is important to make its position clear with regard to this statement. In particular, whilst acknowledging statements made in the joint application to similar effect as the above extract, Celgene's own position has at all times been that the Proposed Conduct would not have breached competition law. Celgene considers that the Proposed Conduct was of a plainly pro-competitive nature (and would have provided real and significant benefit to the public with no public detriment).

Yours sincerely



Jones Day