



C/2024/1547

26.2.2024

**Appeal brought on 4 January 2024 by Teva Pharmaceutical Industries Ltd and Cephalon Inc. against the judgment of the General Court (Third Chamber, Extended Composition) delivered on 18 October 2023 in Case T-74/21, Teva Pharmaceutical Industries and Cephalon v Commission**

(Case C-2/24 P)

(C/2024/1547)

*Language of the case: English*

**Parties**

*Appellants:* Teva Pharmaceutical Industries Ltd, Cephalon Inc. (represented by: S. Ortoli, D. Tayar, avocats)

*Other party to the proceedings:* European Commission

**Form of order sought**

The Appellants claim that the Court should:

- accept the present appeal and declare the action admissible;
- set aside the judgment of the General Court of 18 October 2023 in the case T-74/21;
- refer the case back to the General Court for a new judgment to be taken, unless the Court considers that it is sufficiently well informed to annul the decision of the European Commission in the case AT.39686-CEPHALON <sup>(1)</sup>;
- order the Commission to pay the costs of these proceedings, including the costs incurred by the Appellants before this Court and before the General Court.

**Pleas in law and main arguments**

The Appellants put forward two pleas in law to support their request:

1. The judgment is vitiated by a manifest error of law as it distorted the test laid out in Generics UK for the analysis of the alleged by-object restriction of the settlement agreement.
2. The judgment is vitiated by a manifest error of law in its finding that the settlement agreement was restrictive of competition by effect.

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<sup>(1)</sup> Decision of 26 November 2020.