

**REFERENCE RELATING TO THE ANTICIPATED ACQUISITION
BY ILLUMINA, INC. OF PACIFIC BIOSCIENCES OF CALIFORNIA, INC.**

**Notice of provisional findings made under Rule 11.3
of the Competition and Markets Authority Rules of Procedure¹**

1. On 27 June 2019, the Competition and Markets Authority (**CMA**), made a reference to its chair for the constitution of a Group of CMA Panel Members (the **Inquiry Group**)² in accordance with section 33 of the Enterprise Act 2002 (the **Act**), regarding the anticipated acquisition by Illumina, Inc. (**Illumina**) of Pacific Biosciences of California, Inc. (**PacBio**) and requiring it to report within a period ending on 11 December 2019.

Provisional findings

2. The CMA Inquiry Group appointed to consider this reference has made the following provisional findings on the statutory questions it has to decide pursuant to section 36(1) of the Act:
 - (a) arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and
 - (b) the creation of that situation may be expected to result in a substantial lessening of competition within the market for next generation sequencing (**NGS**) systems in the UK.
3. The Inquiry Group's reasons are set out in full in the provisional findings report, which is attached to this Notice, and are summarised in the Summary of the provisional findings report (see note below).

¹ See [Rules of procedure for merger, market and special reference groups: CMA17](#).

² Under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.

The next steps

4. Illumina, PacBio and any other person wishing to comment on the provisional findings are now invited to provide the Inquiry Group with their reasons in writing as to why these provisional findings should not become final (or, as the case may be, should be varied).
5. These reasons should be received by the Project Manager on behalf of the Inquiry Group no later than **Thursday 14 November 2019**.
6. The Inquiry Group will have regard to any such reasons in making its final decisions on the statutory questions and any consequential actions. However, the Inquiry Group shall not be obliged to take into account reasons which are provided after the deadline specified in paragraph 5 above.
7. The Inquiry Group will shortly publish a notice of possible remedies. This will set out the actions which it considers might be taken by the CMA to remedy the substantial lessening of competition and resultant adverse effects provisionally identified.

Stuart McIntosh
Inquiry Group Chair
24 October 2019

Note: A copy of this notice and the summary of the provisional findings report will be placed on the CMA website on 24 October 2019. The CMA proposes to publish the provisional findings report on its website on the same day or shortly thereafter. The published version of the provisional findings report will not contain any information which the Inquiry Group considers should be excluded from the report, having regard to the three considerations set out in section 244 of the Act. These omissions are indicated by [✂].

Comments should be made by email to Illumina_PacBio@cma.gov.uk or in writing to:

Project Manager
Illumina/PacBio merger inquiry
Competition and Markets Authority
The Cabot
25 Cabot Square
London
E14 4QZ