
From: Nicholas Scola [Nicholas.Scola@...]
Sent: 04 May 2011 16:30
To: Darbon, Cerry:CO (LN); Bavasso, Antonio:CO (LN)
Cc: Jeff.Palker@...; Andrea.Appella@...; Long, Dominic:CO (LN);
Stephen.Unger@...; clive.carter@...; Nathan Hinchliffe; Sheldon
Mills; Marco Marini; Ian Windle; John Webster
Subject: RE: Newscorp/BSkyB - OFT/Ofcom Additional questions - Strictly Confidential
(0012561-0000367)

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Cerry, Antonio,

The agenda / topics that we would like to discuss tomorrow are as follows:

1. Update on process / state of play
2. Revenues and costs indexation
3. Marketing and promotion
4. Diversification opportunities
5. Process for contracts and Articles approval
6. Interim protection

We look forward to seeing you at 5pm tomorrow and receiving a list of attendees from your side.

Kind regards

Nick

Nicholas Scola | Deputy Director, Mergers | Office of Fair Trading
Fleetbank House | 2-6 Salisbury Square | London EC4Y 8JX | T: [REDACTED]

From: Nicholas Scola
Sent: 04 May 2011 12:30
To: Cerry.Darbon@...; Antonio.Bavasso@...
Cc: Jeff.Palker@...; Andrea.Appella@...
Dominic.Long@...; Stephen.Unger@...
clive.carter@...; Nathan Hinchliffe; Sheldon Mills; Marco Marini
Subject: RE: Newscorp/BSkyB - OFT/Ofcom Additional questions - Strictly Confidential
(0012561-0000367)

Cerry, Antonio,

15/03/2012

Further to our discussion yesterday, I can confirm that OFT and Ofcom would like to go ahead with tomorrow's meeting if News is available. 5pm at OFT.

We will endeavour to send through a list of topics for discussion by way of agenda as soon as we can this afternoon.

Kind regards

Nick

Nicholas Scola | Deputy Director, Mergers | Office of Fair Trading
Fleetbank House | 2-6 Salisbury Square | London EC4Y 8JX | T: + [REDACTED]

From: Cerry Darbon [REDACTED]
Sent: 28 April 2011 17:44
To: Nicholas Scola; Sheldon Mills; Antonio Bavasso [REDACTED]
Cc: Jeff Palker [REDACTED]; Andrea Appella [REDACTED]
Dominic Long [REDACTED]; Stephen Unger [REDACTED]
clive.carter [REDACTED]; Nathan Hinchliffe
Subject: Newscorp/BSkyB - OFT/Ofcom Additional questions - Strictly Confidential
(0012561-0000367)

Dear Sheldon/Nick

Please find attached News' response to your questions of 19 April 2011.

I also attach a new version of the UIL showing changes proposed by News, together with a table explaining those changes.

We look forward to hearing from you as to whether you consider that a meeting next Thursday would be helpful.

Kind Regards

Cerry

Cerry Darbon
Senior Associate
Allen & Overy LLP

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<<http://www.allenoverly.com/AOWEB/AreasOfExpertise/ExpertiseHub.aspx?aoFeID=38891&selectedPage=Antitrust%20and%20EU&prefLangID=410>>

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From: Nicholas Scola [REDACTED]
Sent: 27 April 2011 16:48
To: Darbon, Cerry:CO (LN); Sheldon Mills; Bavasso, Antonio:CO (LN)
Cc: Jeff.Palker([REDACTED]); Andrea.Appella([REDACTED]); Long, Dominic:CO (LN); Stephen.Unger([REDACTED]); clive.carter([REDACTED]); Nathan Hinchliffe
Subject: RE: RESTRICTED: Newscorp/BSkyB - OFT/Ofcom Additional questions re the draft brand licensing and carriage agreements and responses to the DCMS consultation on the UIL (0012561-0000367)

Dear Cerry

Many thanks for your email. I am responding in Sheldon's absence.

We look forward to receiving your response tomorrow. It may be that, depending on your response, a meeting is unnecessary, but to the extent that there are still 'open' issues following your response, our view has been that a meeting would be helpful. I think we would agree the need for a clear agenda in order to ensure the meeting was properly structured.

My personal inclination would be for us provisionally to set up a meeting for Thursday (given the need to schedule diaries etc), on the understanding that this could be cancelled if it transpired it was unnecessary.

Would it be helpful for you to let us know what times you could do on Thursday 5 May?

Kind regards

Nick

Nicholas Scola | Deputy Director, Mergers | Office of Fair Trading
Fleetbank House | 2-6 Salisbury Square | London EC4Y 8JX | T: [REDACTED]

From: Cerry.Darbon([REDACTED])
Sent: 27 April 2011 16:39
To: Sheldon Mills; Antonio.Bavasso([REDACTED])
Cc: Jeff.Palker([REDACTED]); Andrea.Appella([REDACTED]);
Dominic.Long([REDACTED]); Stephen.Unger([REDACTED]); Nicholas Scola;
clive.carter([REDACTED])
Subject: RE: RESTRICTED: Newscorp/BSkyB - OFT/Ofcom Additional questions re the draft brand licensing and carriage agreements and responses to the DCMS consultation on the UIL (0012561-0000367)

Dear Sheldon

15/03/2012

We are progressing responses to your questions and we should be able to provide you with a response during the course of tomorrow which will cover all issues (apologies for the slight delay).

Should the OFT/Ofcom still consider it helpful to have a meeting, News would be available, in principle, for a meeting next Thursday. In order to be productive we would prefer that a meeting only take place on the basis of a clear agenda provided in advance so that we understand the nature of any open issues.

Please let me know if this suggestion works from your side.

Kind Regards

Cerry

Cerry Darbon
Senior Associate
Allen & Overy LLP

www.allenoverly.com/antitrust
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Tel: + 44(0) 20 3088 0000
DDI: [REDACTED]
Fax: [REDACTED]

From: Sheldon Mills [REDACTED]

Sent: 19 April 2011 21:48

To: Bavasso, Antonio:CO (LN)

Cc: Jeff.Palker [REDACTED]; Andrea.Appella [REDACTED]; Darbon,

Cerry:CO (LN); Long, Dominic:CO (LN); Stephen.Unger [REDACTED]; Nicholas Scola;
clive.carter@ [REDACTED]

Subject: RESTRICTED: Newscorp/BSkyB - OFT/Ofcom Additional questions re the draft brand licensing and carriage agreements and responses to the DCMS consultation on the UIL

Dear Antonio,

Many thanks for your responses to our earlier questions relating to the draft brand licensing agreements and carriage agreements. I attach a further set of questions which

15/03/2012

relate to the following specific areas:

(1) further questions relating to the brand licensing and carriage agreements which take account of your responses dated 1 April and 12 April.

(2) questions which arise from third party responses to the consultation launched by DCMS on the UIL. As you will appreciate, the responses to the consultation have been voluminous and have necessitated detailed review in order to ensure that we ask appropriate questions which will serve to enhance the UIL proposal or, in respect of which, it is appropriate to seek your view/comment.

(3) detailed questions relating to the timing and mechanics of the UIL. I would urge you to respond in full to these questions since we wish to understand in some detail how, in practice, you understand the UIL will operate. We also include certain suggestions that we consider (following both responses to the third party consultation and further consideration) will lead to improvements to the UIL and its effective operation.

I anticipate, dependent on your responses, that this should be the final round of detailed questions prior to us providing our advice to the Secretary of State. I will endeavour to discuss with your team tomorrow both the timing for responses to these questions, the background to them and next steps.

In addition, in the interests of time, I would suggest that we schedule a meeting to discuss both your responses to the questions (including those attached to this email) and any issues which are pertinent to our advice to the Secretary of State (or issues which require resolution following receipt of your responses to the attached questions) in the week commencing 2 May. If you are amenable to this, we can arrange a convenient date and time.

Kind regards,

Sheldon

Sheldon Mills
Director | Mergers Group | Office of Fair Trading | Fleetbank House | 2-6
Salisbury Square | London | EC4Y 8JX |

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