

THURSDAY 21ST JANUARY 2010

IN THE COURT OF APPEAL order no 015280

ON APPEAL FROM THE COMPETITION APPEAL TRIBUNAL

1096/4/8/08

BEFORE LORD JUSTICE RIX
LORD JUSTICE LLOYD
And MR JUSTICE MACKAY

B E T W E E N

VIRGIN MEDIA INC
("Virgin Media")

APPELLANT

- and -

(1) BRITISH SKY BROADCASTING GROUP PLC("Sky")
(2) THE COMPETITION COMMISSION
(3) SECRETARY OF STATE FOR BUSINESS, ENTERPRISE AND
REGULATORY REFORM (" the Secretary of State")

RESPONDENTS

ON READING the Appellant's Notice sealed on the 17th December 2008 filed on behalf of the Appellant on appeal from the order of the Competition Appeal Tribunal dated 29th October 2008 ("the Tribunal Order")

AND ON HEARING Council for the parties

IT IS ORDERED that

1. No order is made on the appeal of Virgin Media against paragraph 1 of the Tribunal's Order except as to costs as provided in paragraph 3 below
2. The Competition Appeal Tribunal's order dated 22 June 2009 as to costs is varied as provided in paragraph 3 below.
3. Virgin Media shall pay the Competition Commission and the Secretary of State:
 - a. their costs of Virgin Media's appeal to the Competition Appeal Tribunal (Case 1096/4/8/08); and
 - b. their costs of Virgin Media's appeal to the Court of Appeal.
4. The costs payable under paragraph 3 are to be the subject of detailed assessment if they are not agreed.

By the Court

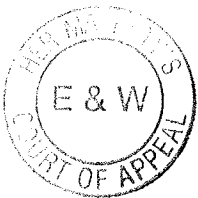


Her Majesty's
Court of Appeal

25 JAN 2010

COURT 69
Appeal No.

C1/2008/3053



**THURSDAY 21ST JANUARY 2010
IN THE COURT OF APPEAL
ON APPEAL FROM
THE COMPETITION APPEAL TRIBUNAL**

VIRGIN MEDIA INC
("Virgin Media")

- and -

1) BRITISH SKY BROADCASTING GROUP
PLC("Sky")
(2) THE COMPETITION COMMISSION
(3) SECRETARY OF STATE FOR BUSINESS,
ENTERPRISE AND REGULATORY REFORM
("the Secretary of State")

ORDER

Copies to:

Competition Appeal Tribunal
Victoria House
Bloomsbury Place
London WC1A 2EB

Messrs Ashurst Llp
Dx 639
London City
Ref: DJL/RWM/VIR24.00014

Treasury Solicitor
Dx 123242
Kingsway
Ref: LP70081C

*

* This order was drawn by Mr P Wilkins (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr P Wilkins, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 7381