



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case No: 1332/4/12/19

BETWEEN:

**TOBII AB (PUBL)**

Applicant

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER**

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**UPON** reading the notice of application lodged by the Applicant under rules 9 and 26 of the Competition Appeal Tribunal Rules 2015 (S.I. No. 1648 of 2015) (“the Tribunal Rules”) on 13 September 2019

**AND UPON** reading the Applicant’s application dated 30 September 2019 for permission to adduce expert evidence pursuant to Rule 27 of the Tribunal Rules

**AND UPON** reading the submissions of the parties filed in advance of a case management conference (“CMC”) on 3 October 2019

**AND UPON** hearing counsel for the parties at the CMC on 3 October 2019

**IT IS ORDERED THAT:**

**Forum**

1. The application be treated as proceedings in England and Wales for the purposes of Rule 18 of the Tribunal Rules.

### **Confidentiality**

2. A confidentiality ring be established by separate order in terms to be agreed by the parties.

### **Specific disclosure**

3. The Applicant shall file and serve any application for specific disclosure by 4pm on 16 October 2019.

### **Evidence**

4. Paragraphs 43 to 110 of the statement of Timothy Cowen dated 12 September 2019 be excluded.
5. Paragraphs 40 to 42 and 44 to 81 of the statement of Henrik Eskilsson dated 12 September 2019 be excluded.
6. The First Expert Report of Mr Sam Williams dated 10 September 2019 be excluded.
7. In so far as the Applicant wishes to rely on any exhibit from the excluded witness statements or report, the Applicant be permitted to exhibit them to a production statement to be filed by 4pm on 9 October 2019.

### **Future conduct of the application**

8. The Respondent shall file and serve its Defence and any supporting evidence by 4pm on 11 October 2019.
9. The Applicant shall file and serve its skeleton argument (which shall stand as its reply, if any) and any evidence by 4pm on 25 October 2019.
10. The Respondent shall file and serve its skeleton argument by 2pm on 31 October 2019.
11. The Applicant shall lodge with the Tribunal six copies of an agreed bundle for the hearing by 4pm on 1 November 2019.
12. The Applicant shall lodge with the Tribunal six copies of an agreed bundle of authorities by 4pm on 1 November 2019.
13. The Applicant shall lodge with the Tribunal an agreed chronology by 4pm on 1 November 2019.
14. The Applicant shall file and serve an agreed list of issues by 4pm on 1 November 2019.

15. A hearing be listed for a three-day window, from 6 to 8 November 2019, with a time estimate of two days.

**Miscellaneous**

16. Costs be reserved.
17. There be liberty to apply.

**Hodge Malek QC**  
Chairman of the Competition Appeal Tribunal

Made: 3 October 2019  
Drawn: 3 October 2019