



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1382/7/7/21

BETWEEN:

CONSUMERS' ASSOCIATION

Class Representative

- v -

QUALCOMM INCORPORATED

Defendant

ORDER

UPON receipt of the Applicant's application for a Collective Proceedings Order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the "CPO Application") filed on 18 February 2021

AND UPON the Tribunal's Order made on 9 November 2021 following the first case management conference in these proceedings, as amended (the "CMC Order")

AND UPON the Tribunal having granted the CPO Application on 17 May 2022 ([2022] CAT 20)

AND UPON the Collective Proceedings Order of Mrs Justice Bacon dated 4 July 2022 (the "CPO")

AND UPON consideration of the parties' written submissions and joint correspondence regarding the costs of the CPO Application

IT IS ORDERED THAT:

1. The Defendant shall pay to the Class Representative:

- (a) the agreed sum of £160,000 (inclusive of VAT) for the Class Representative's deferred costs of the Defendant's jurisdiction challenge application pursuant to paragraph 19 of the CMC Order;
 - (b) the agreed sum of £60,000 (inclusive of VAT) for the Class Representative's costs of the first CMC which were ordered to be costs in the CPO Application pursuant to paragraph 19 of the CMC Order; and
 - (c) 85% of the Class Representative's costs incurred between 22 December 2021 and the date of this order, but excluding the costs associated with the Class Representative's application to amend the class definition pursuant to the Order dated 5 January 2022, to be assessed if not agreed.
2. The Defendant shall make an interim payment to the Class Representative on account of the costs ordered to be paid in paragraph 1(c) above in the sum of £675,000 (inclusive of VAT).
3. Save as set out in paragraphs 1(a) – (c) above, the costs incurred before 22 December 2021 and 15% of the costs incurred between 22 December 2021 and the date of this Order shall be costs in the case.
4. The Defendant shall pay the total sum of £895,000 pursuant to paragraphs 1(a), 1(b) and 2 above to the Class Representative within 28 days of the date of this Order being drawn.

The Hon Mrs Justice Bacon
Chair of the Competition Appeal Tribunal

Made: 4 July 2022
Drawn: 5 July 2022