



Claim No. CL-2016-000304

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
KING'S BENCH DIVISION
COMMERCIAL COURT**

CL-2016-000304

**Before : Mr Justice Foxton
Date: 05 October 2022**

B E T W E E N:

OT COMPUTERS LIMITED (IN LIQUIDATION)

Claimant

-and-

**~~(1) INFINEON TECHNOLOGIES AG
(2) MICRON EUROPE LIMITED~~**

Defendant

**~~(3) MITSUBISHI ELECTRIC EUROPE BV
(4) SK HYNIX UK LIMITED
(5) TOSHIBA ELECTRONICS EUROPE GMBH~~**

CONSENT ORDER

UPON the claim by Granville Technology Group Limited and VMT Limited, the former First and Second Claimants in the Claim (the "**Former Claimants**"), being found to be time-barred in the judgment of Foxton J dated 25 February 2020

AND UPON the remaining Claimant, OT Computers Limited ("**OTC**") and the First Defendant having agreed to the terms of settlement and the Claimant having discontinued the Claim against the First Defendant

AND UPON the First Defendant having discontinued its Part 20 claim against Samsung Semiconductor Europe Limited ("**Samsung**")

AND UPON the application of the Second Defendant dated 27 September 2022 for permission to make an additional claim against Samsung in accordance with Part 20 of the Civil Procedure Rules

AND UPON the application of OTC, following a request from the Second Defendant, for the Claim to be transferred to the Competition Appeal Tribunal ("**CAT**")

AND HAVING REGARD TO section 16 of the Enterprise Act 2002 ("**2002 Act**") and to paragraphs 8.3-8.6 of Practice Direction 30, supplementing CPR Part 30 ("**Practice Direction 30**") in respect of transfer to the CAT

AND UPON the Claimant and Second Defendant consenting to these directions

AND UPON the Court determining in light of all the circumstances of the case, including the wishes of the parties, that it is appropriate to make an Order pursuant to section 16(4) of the Enterprise Act 2002 ("**2002 Act**")

IT IS ORDERED THAT:

1. The Case Management Conference on 4 October 2022 be vacated.
2. The Claim be transferred to the CAT pursuant to section 16(4) of the 2002 Act.
3. The case management conference be listed for the earliest available date after 11 November 2022.
4. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
5. The sending of this Order to the parties and the CAT shall constitute notice to them for the purposes of paragraph 8.5 of Practice Direction 30 and CPR Rule 30.4(1).
6. Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimant's claim as constituted in this Court prior to the transfer taking effect. If, and to the extent that, any element of the claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the CAT on a transfer or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court.
7. The proceedings were and shall continue to be regarded as having been commenced in this Court. Any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and not with the Competition Appeal Tribunal Rules 2015.
8. Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Defendant's defence to the Claimant's claim as constituted in this Court prior to the transfer taking effect.
9. This Court may give such further directions or make such further Order as it thinks fit in connection with the transfer and/or with any such element referred to above.
10. Costs be in the case.

This Order shall be served by the Claimant on the Second Defendant.