



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1403/7/7/21

BETWEEN:

**DR RACHAEL KENT**

Class Representative

- v -

**(1) APPLE INC.**  
**(2) APPLE DISTRIBUTION INTERNATIONAL LTD**

Defendants

(together “**Apple**”)

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**ORDER**

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**UPON** the Parties’ applications to rely on expert evidence at trial

**AND UPON** hearing Leading Counsel for the Class Representative and Leading Counsel for Apple at the case management conference on 20 and 21 March 2023

**IT IS ORDERED THAT:**

**Expert evidence**

1. The Class Representative and Apple are each permitted to adduce evidence from:
  - (a) up to two expert witnesses in the field of competition economics;
  - (b) one expert witness in the field of accounting;
  - (c) one expert witness in the field of IT and/or mobile and/or internet security (a “**Security Expert**”);
  - (d) one expert witness in respect of the app industry;

(e) one expert witness in respect of the payment systems industry; and

(f) one expert witness in respect of intellectual property valuation;

together the “**Experts**” and each an “**Expert**”.

2. The Parties shall each have liberty to apply to adduce evidence from a second Security Expert.

### **Expert nominations and issues**

3. By 4pm on 20 September 2023, the Parties shall exchange:

(a) a list of the issues which they propose each of their Experts shall address; and

(b) where the parties have been granted permission to call more than one Expert in a given field of expertise, they shall also set out the proposed division of issues between the Experts in that field of expertise;

together, the “**Expert Issues Proposals**”.

4. By 4pm on 3 October 2023, the Parties shall respond to the Expert Issues Proposals made by the other Party for those Expert(s).

5. If, by 4pm on 17 October 2023, the Parties are not able to agree the Expert Issues Proposals, the Parties are to submit any points in dispute to the Tribunal for determination.

### **Liberty to apply**

6. There shall be liberty to apply, including that Apple has liberty to apply to adduce expert evidence on the issue of the enforcement of intellectual property rights.