



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1590/4/12/23

BETWEEN:

MICROSOFT CORPORATION

Applicant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

- and -

ACTIVISION BLIZZARD, INC.

Intervener

ORDER

UPON hearing Leading Counsel for the parties at a case management conference held on 30 May 2023

AND UPON reading the letter sent by the Applicant on behalf of all parties to the Tribunal on 11 June 2023 submitting a joint proposal to the Tribunal for the timetable in the proceedings

AND UPON hearing Leading Counsel for the parties at a second case management conference held on 12 June 2023

AND UPON the ruling of the Tribunal on the admissibility of the Applicant's expert evidence ([2023] CAT 40)

IT IS ORDERED THAT:

FORUM

1. For the purpose of Rule 18(1) of the Competition Appeal Tribunal Rules 2015 SI 2015/1648, the application shall be treated as proceedings in England and Wales.

APPLICANT'S FACTUAL AND EXPERT EVIDENCE

2. The factual witness statements and expert reports filed by the Applicant on 24 May 2023 in support of its application shall be admitted *de bene esse*.
3. The Respondent shall have permission, if so advised, to file expert evidence in response to the Applicant's expert reports, which shall also be admitted *de bene esse*.

FACTUAL EVIDENCE

4. The Applicant shall file and serve by 23 June 2023 revised versions of its factual witness statements, highlighted in two colours to denote: (i) the material which the Applicant submits was before the Respondent during the course of its investigation into the Applicant's proposed acquisition of Activision (the "**Investigation**"); and (ii) the material which the Applicant submits was not before the Respondent during the Investigation.

DISCLOSURE

5. The Respondent is to provide disclosure in fulfilment of its duty of candour, including in relation to the Applicant's requests for disclosure, by 30 June 2023.

PLEADINGS, SKELETON ARGUMENTS AND BUNDLES

6. The Respondent shall file and serve its Defence by 4pm on 6 July 2023.

7. The Applicant and the Intervener shall file and serve their skeleton arguments for the substantive hearing of the application by 4pm on 17 July 2023.
8. The Respondent shall file and serve its skeleton argument for the substantive hearing of the application by 10am on 24 July 2023.
9. The Parties shall file five hard copies and an electronic version of an agreed bundle (and an authorities bundle) for use at the substantive hearing by 4pm on 25 July 2023.

SUBSTANTIVE HEARING OF THE APPLICATION

10. The substantive hearing of the application shall be listed for a hearing with a time estimate of six days beginning on Friday, 28 July 2023.

OTHER MATTERS

11. Costs reserved.
12. There be liberty to apply.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 12 June 2023
Drawn: 22 June 2023