



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1570/5/7/22 (T)

BETWEEN :

JJH ENTERPRISES LIMITED
(TRADING AS VALUELICENSING)

Claimant

- v -

(1) MICROSOFT CORPORATION
(2) MICROSOFT LIMITED
(3) MICROSOFT IRELAND OPERATIONS LIMITED

Defendants

- and -

COMPETITION AND MARKETS AUTHORITY

Intervenors

CONSENT ORDER

UPON the Order of the Chair dated 19 May 2023 following the case management conference on 9 May 2023 (the “Directions Order”)

AND UPON the Claimant’s response dated 19 May 2023 to the Defendant’s Request for Information dated 18 April 2023

IT IS ORDERED BY CONSENT THAT:

1. The Claimant has permission to re-amend its Particulars of Claim in order to:
 - (a) reflect the fact that it no longer pursues the allegation made at paragraph 48(1);
and
 - (b) include those additional matters relating to paragraph 48(2) of the Amended Particulars of Claim that are referred to in the Claimant's response dated 19 May 2023 to the Defendant's Request for Information dated 18 April 2023.
2. The Claimant shall file and serve its Re-Amended Particulars of Claim accompanied by a statement of truth by 5.00pm on Wednesday 14 June 2023.
3. The Defendants shall have permission to amend their Defence in response to the Re-Amended Particulars of Claim filed and served in accordance with paragraph 2 above. Any Amended Defence, accompanied by a statement of truth, shall be filed and served by 5.00pm on Wednesday 5 July 2023.
4. The deadlines in paragraphs 5 and 6 of the Directions Order are varied so that:
 - (a) By 5.00pm on 5 July 2023, the Defendants shall, if so advised, file and serve a statement of case (whether as part of an Amended Defence or a free-standing statement of case) further particularising their case on market definition and dominance.
 - (b) The Claimant shall file and serve any Reply to any statement of case filed and served in accordance with paragraph 3 and/or paragraph 4(a) above by 5.00pm on Wednesday 19 July 2023.
5. The Claimant shall pay the Defendants' costs of and occasioned by the re-amendments to the Amended Particulars of Claim pursuant to paragraphs 1-2 above (including (for the avoidance of doubt) the costs incurred by the Defendants in relation to the allegation at paragraph 48(1) of the Amended Particulars of Claim), to be the subject of a detailed assessment on the standard basis if not agreed.

6. Liberty to apply.

Justin Turner KC
Chair of the Competition Appeal Tribunal

Made: 8 June 2023
Drawn: 9 June 2023