



Case No: 1382/7/7/21

IN THE COMPETITION APPEAL TRIBUNAL

BETWEEN:

CONSUMERS' ASSOCIATION

Class Representative

- v -

QUALCOMM INCORPORATED

Defendant

ORDER

UPON the Order of the Chair made on 24 July 2023 following the third case management conference in the Proceedings in respect of the Defendant's disclosure, as amended by the Tribunal's Reasoned Order of 3 October 2023 (the "**Third CMC Disclosure Order**")

AND UPON reading a letter from Norton Rose Fulbright LLP dated 16 November 2023 requesting on behalf of the parties amendments to the Third CMC Disclosure Order

AND HAVING REGARD TO the Tribunal's powers under the Competition Appeal Tribunal Rules 2015

IT IS ORDERED BY CONSENT THAT:

1. Paragraph 4 of the Third CMC Disclosure Order be amended to read as follows:

"Qualcomm shall provide disclosure of any documents located as a result of the searches described in paragraph 1 above in the following tranches:

- (a) Save as described in (b) below, by no later than 4pm on 9 November 2023, Qualcomm shall disclose any documents located as a result of the searches described in paragraphs 1(d), (e), (f), (g) and (h). Save as described in (b) below,

Qualcomm shall also by 4pm on 9 November 2023 disclose any documents located from within the FTC Production Set as a result of searches described in paragraphs 1(i) and (j).

- (b) To the extent that Qualcomm determines that any of the documents described in paragraph (a) above may be subject to U.S. government export control and/or U.S. economic sanctions laws, Qualcomm shall:
 - (i) determine by 1 December 2023 whether a U.S. export control licence is required in order to export these documents to the United Kingdom; and
 - (ii) disclose those documents within three working days of either: (A) Qualcomm's determination that no licence is required; or (B) any necessary licence being granted.
- (c) By no later than 4pm on 21 December 2023, Qualcomm shall disclose any further documents located from within the FTC Production Set as a result of the searches described in paragraph 1 above, and the documents located as a result of the search described in paragraph 1(b).
- (d) By no later than 4pm on 1 March 2024, Qualcomm shall disclose any other documents located as a result of the searches described in paragraphs 1(i) and (j).
- (e) By no later than 4pm on 29 March 2024, Qualcomm shall disclose any documents located as a result of all other searches described in paragraph 1 above."

- 2. Costs in the case.
- 3. There be liberty to apply.

The Hon Mrs Justice Bacon

Chair of the Competition Appeal Tribunal

Made: 17 November 2023

Drawn: 17 November 2023