



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1615/5/7/23

BETWEEN:

UP AND RUNNING (UK) LIMITED

Claimant

- v -

DECKERS UK LIMITED

Defendant

REASONED ORDER (AMENDMENT OF DEFENCE)

UPON the Defendant's Application for permission to amend its Defence dated 28 February 2024

AND UPON the Claimant's response to the Defendant's Application dated 4 March 2024

IT IS ORDERED THAT:

1. The Defendant has permission to amend its Defence in the form provided with its Application dated 28 February 2024.
2. The Claimant has permission to amend its Reply to respond to amendments to the Defence.

REASONS:

1. The Defendant has filed an application seeking permission from the Tribunal to amend its Defence. The proposed amendments arise from matters that were discussed by the Parties and the Tribunal in a case management conference on 18 January 2024. The amendments are relatively confined in both their nature and extent.
2. The Claimant opposes the application.
3. A trial in this matter is listed to take place from 22-26 July 2024, more than four months from now. The proposed amendments also reflect matters that were discussed in a case management conference almost two months ago. In these circumstances, the Claimant has been on notice that the proposed amendments would be part of the Defendant's defence. I do not consider that there is any prejudice to the Claimant arising from the proposed amendments to the Defence at this stage of the proceedings. Accordingly, the Defendant has permission to amend the Defence in the form of the draft provided with its application.
4. The Claimant is entitled as a matter of course to amend its Reply in response to the amendments to the Defence. However, the Claimant should strictly limit any amendments to the Reply to matters raised directly by the amendments to the Defence and should only amend the Reply to the extent that it is necessary to do so, bearing in mind the limited nature of the amendments to the Defence. For the avoidance of doubt, the Claimant does not have permission to otherwise amend the Reply.

Ben Tidswell

Chair of the Competition Appeal Tribunal

Made: 8 March 2024

Drawn: 8 March 2024