



CLAIM NO. CP-2017-000013

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
COMPETITION LIST (Ch D)

CP-2017-000013

MASTER KAYE
11 MARCH 2024

BETWEEN:

- (1) CONNEXITY UK LIMITED**
- (2) CONNEXITY EUROPE GMBH**
- (3) CONNEXITY, INC.**
- (4) PRICEGRABBER.COM LIMITED**

Claimants

-and-

- (1) GOOGLE UK LIMITED**
- (2) GOOGLE IRELAND LIMITED**
- (3) GOOGLE LLC (FORMERLY GOOGLE INC.)**
- (4) ALPHABET INC.**

Defendants

ORDER

HAVING REGARD TO section 16 of the Enterprise Act 2002 (as amended) (the "**2002 Act**") and to the Section 16 Enterprise Act 2002 Regulations 2015 (the "**2015 Regulations**")

AND HAVING REGARD TO paragraphs 8.3 to 8.6 and 8.10 to 8.13 of Practice Direction 30, supplementing CPR Part 30 ("**Practice Direction 30**")

AND HAVING REGARD TO the Form N149C issued by this Court and dated 18 June 2018

AND UPON the Order of Master Kaye dated 20 September 2023 extending the deadline for the parties to file the documents required by Form N149C until 11 March 2024

AND HAVING REGARD TO the application by the Defendants filed on 5 March 2024 seeking an order that these proceedings be transferred to the Competition Appeal Tribunal including an order that the parties are not required to file the documents required by Form N149C

AND UPON the parties having agreed to the terms of this Order and by consent

IT IS ORDERED THAT:

1. The proceedings, which relate to:
 - (i) a claim to which section 47A of the Competition Act 1998 applies; and/or
 - (ii) an infringement issue (as defined in section 16(6) of the 2002 Act)are hereby transferred to the Competition Appeal Tribunal ("**CAT**") for its determination of those issues pursuant to section 16(4) of the 2002 Act and/or section 16(1) of that Act together with Regulation 2(a) of the 2015 Regulations.
2. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
3. The sending of this Order to the parties and the CAT shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR 30.4(1).
4. For the avoidance of doubt:
 - (i) Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimants' claim as constituted in this Court prior to the transfer taking effect. If, and to the extent that, any element of the claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the CAT on a transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court.
 - (ii) Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Defendants' defence to the Claimants' claim as constituted in this Court prior to the transfer taking effect.
 - (iii) The proceedings were and shall continue to be regarded as having been commenced in this Court. Any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and not with the Competition Appeal Tribunal Rules 2015.
 - (iv) Any appeal to the Court of Appeal against the determination of the CAT of the issues transferred or an Order of the Court giving effect to that determination shall be governed by the rules in CPR Part 52.
 - (v) This Court may give such further directions or make such further Orders as it thinks fit in connection with the transfer and/or with any such element referred to above.
 - (vi) The parties shall not be required to file Form N149C or the documents required by Form N149C issued by the Court and dated 18 June 2018.
5. No order as to costs.

6. There be liberty to apply.
7. This Order shall be served by the Defendants on the Claimants.

Service of the order

The Court has provided a sealed copy of this order to the serving party: Herbert Smith Freehills LLP, Exchange House, Primrose Street, London EC2A 2EG by email to stephen.wisking@hsf.com, joe.williams@hsf.com and daniel.masterton@hsf.com