



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1596/5/7/23

BETWEEN:

WHITEWATER CAPITAL LIMITED

Claimant

- v -

(1) GOOGLE LLC

(2) ALPHABET INC.

Defendants

ORDER

UPON the confidentiality order dated 15 May 2024 (the “**Confidentiality Order**”) providing, inter alia, for confidential information to be designated as Confidential Information or Legal Eyes Only Confidential (“**LEO**”) Information (as those terms are defined in the Confidentiality Order)

AND UPON the parties having agreed to the terms of this Order

IT IS ORDERED BY CONSENT THAT:

1. By 4pm on 28 February 2025, the Claimant shall, following a reasonable search, identify documents and/or data responsive to the categories in the Schedule to this Order for the period from 1 March 2012 to the date of this Order, and disclose and give inspection to the Defendants of those documents and/or data. The Claimant shall provide a disclosure statement in respect of this disclosure by the same date.
2. Documents and/or data containing Confidential or LEO Information which are disclosed by the Claimant pursuant to this Order shall be disclosed pursuant to the terms of the Confidentiality Order.
3. In giving disclosure and inspection, the Claimant shall be permitted to withhold from inspection any documents (or parts of documents) over which it is entitled to assert privilege.
4. Costs in the case.
5. The parties have liberty to apply.

The Honourable Mr Justice Roth
Acting President of the Competition Appeal Tribunal

Made: 30 October 2024
Drawn: 30 October 2024

SCHEDULE

All relevant documents should be disclosed such as: board meeting minutes, investor meeting minutes, senior management documents, business plans, emails, financial accounts or forecasts.

No.	Category
1.	Ciao's forecasts for traffic to its CSS and growth of such traffic and analysis of traffic growth, as referred to at paragraph 95(e). ¹
2.	Ciao's forecasts for growth of CSSs generally (by reference to traffic, revenue or any other allegedly relevant metric including any metric by which it is alleged 'popularity' referred to at paragraph 95(f) would be measured) and analysis of such growth, as referred to at Annex 1.
3.	Ciao's forecasts for revenue and profit growth in respect of its CSS and analysis of revenue and profit growth, as referred to at paragraphs 95(e) and 95(f).
4.	Ciao's forecasts for growth in its base of merchant relationships (including for the avoidance of doubt with 'online retailers' and 'direct retailers'), as referred to at paragraphs 95(b) and (c), and analysis of such growth.
5.	Ciao's plans to enter and expand its CSS in new national markets (including but not limited to the United States and the " <i>new markets in Central Europe (including Austria, Belgium and Switzerland)</i> ") referred to at paragraph 95(f) and paragraph 27(a) of Ciao's Response to Google's RFI dated 2 February 2024), whether or not such plans were implemented, and the reasons why.
6.	Ciao's actual or planned investment into its CSS for the purposes of entering and expanding its CSS into new national markets (including but not limited to translation and developing country-specific code), including but not limited to the United States and the " <i>new markets in Central Europe (including Austria, Belgium and Switzerland)</i> " (referred to above).
7.	Ciao's plans to increase profits on or to enter neighbouring markets to the alleged Comparison Shopping Market as referred to at paragraph 95(f), whether or not such plans were implemented, and the reasons why.

¹ Paragraph references are to the Claim Form.

No.	Category
8.	Ciao's plans to implement or the assessment of new pricing structures in respect of its CSS, as referred to at paragraph 95(f), whether or not such plans were implemented, and the reasons why.
9.	Ciao's actual investments in its CSS offering (including but not limited to its user facing proposition) and, as referred to at paragraph 95(e), its plans for investments in the same, whether or not such plans were implemented, and the reasons why.
10.	Insofar as not covered above, documents relating to the CSS offering that identify (i) operational issues, (ii) user feedback and (iii) changes in the underlying technology supporting the CSS.
11.	Based on historical projections, what Ciao's base of consumers would have been and in what periods.
12.	Insofar as not covered above, Ciao's plans to harness economies of scale (or any assessment of the same) to reduce its operating costs, as referred to at paragraph 95(e), whether or not such plans were implemented, and the reasons why.