



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1424/5/7/21 (T)

BETWEEN:

- (1) KELKOO.COM (UK) LIMITED**
- (2) KELKOO SAS**
- (3) JAMPLANT LIMITED**
- (4) KELKOO INTERNET SL**
- (5) KELKOO AS**
- (6) KELKOO SRL**
- (7) KELKOO NETHERLANDS BV**
- (8) KELKOO AB**
- (9) KELKOO DEUTSCHLAND GMBH**
- (10) KELKOO DANMARK A/S**
- (11) JOLT LIMITED**
(together “Kelkoo”)

Claimants

- v -

- (1) GOOGLE UK LIMITED**
- (2) GOOGLE IRELAND LIMITED**
- (3) GOOGLE LLC**

Defendants

Case No: 1596/5/7/23

AND BETWEEN:

- WHITEWATER CAPITAL LIMITED**
(“Ciao”)

Claimant

- v -

- (1) GOOGLE LLC**
- (2) ALPHABET INC**

Defendants

AND BETWEEN:

(1) SKIMBIT LIMITED
(2) CONNEXITY INC
(3) CONNEXITY EUROPE GMBH
("Connexity")

Claimants

- v -

(1) GOOGLE UK LIMITED
(2) GOOGLE IRELAND LIMITED
(3) GOOGLE LLC
(4) ALPHABET INC

Defendants

REASONED ORDER (TRAFFIC DATA STATEMENT)

UPON Orders for disclosure having been made at a Case Management Conference on 18-19 November 2024 (the "CMC") requiring Google to provide to the claimants, by 4pm on 20 December 2024, *"a statement of what traffic data it holds by reference to the categories set out in Part B of the Confidential Schedule to [the Kelkoo Disclosure Order], and for what time periods"* (the "**Traffic Data Statement**")

AND HAVING REGARD TO the resulting Disclosure Order in the Kelkoo Proceedings issued on 20 December 2024 (the "**Kelkoo Disclosure Order**") and the Disclosure Order in the Connexity Proceedings issued on 20 December 2024 (the "**Connexity Disclosure Order**") (together the "**Disclosure Orders**")

AND UPON READING the letter from Herbert Smith Freehills LLP dated 19 December 2024 and the responses from Linklaters LLP and Preiskel & Co LLP each dated 20 December 2024 concerning the deadline for the provision of the Traffic Data Statement

IT IS ORDERED THAT:

1. The time for Google to comply with the direction recorded at Paragraph 1(a) of the Kelkoo Disclosure Order and Paragraph 5 of the Connexity Disclosure Order for filing and serving the Traffic Data Statement shall be extended to 4pm on 7 January 2025.

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

REASONS

1. The Disclosure Orders were made at the CMC after hearing argument about practicable dates. Only on 18 December 2024, a mere 48 hours before the disclosure deadline, did Google seek agreement to a three week extension, although it must have been evident some time beforehand that Google could not meet the deadline and the parties were in communication in relation to draft disclosure orders. In these circumstances, Google is in a weak position to seek the indulgence of the Tribunal.
2. I recognise that parties in the UK may not now be working at normal capacity until Monday 6 January 2025. But that is not the general position in the USA and, in any event, given its delay, Google can be expected to devote additional resources to this matter immediately after Christmas. On the basis that this minimises the consequent disruption caused to the Claimants, I am prepared, exceptionally, to grant an extension to 4pm on 7 January 2025.
3. If there is any further delay, it will be open to the Claimants to apply for an ‘unless’ order seeking that the relevant parts of Google’s defence be struck out.

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

Made: 20 December 2024
Drawn: 20 December 2024