



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No: 1589/5/7/23 (T)

BETWEEN:

**INFEDERATION LIMITED
("Foundem")**

Claimant

- v -

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

Defendants

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

AND 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

AND BETWEEN:

WHITEWATER CAPITAL LIMITED
(“Ciao”)

Claimant

- v -

(1) GOOGLE LLC
(2) ALPHABET INC

Defendants

AND BETWEEN:

(1) SKIMBIT LTD
(2) CONNEXITY EUROPE GMBH
(3) CONNEXITY, INC.
(together, “Connexity”)

Claimants

- v -

(1) GOOGLE UK LIMITED
(2) GOOGLE IRELAND LIMITED
(3) GOOGLE LLC
(4) ALPHABET INC
(together, “Google”)

Defendants

ORDER (DIRECTIONS TO TRIAL)

UPON the Order of the Tribunal made on 26 March 2024 and drawn on 15 May 2024 (the “**Directions Order**”) giving directions for the joint case management of Case No: 1589/5/7/23 (T) (the “**Foundem Proceedings**”), Case No: 1424/5/7/21 (T) (the “**Kelkoo Proceedings**”), Case No: 1596/5/7/23 (the “**Ciao Proceedings**”), and Case No: 1636/5/7/24 (T) (the “**Connexity Proceedings**”) (the Foundem Proceedings, the Kelkoo Proceedings, the Ciao Proceedings and the Connexity Proceedings together the “**UK Shopping Proceedings**”)

AND UPON the Order of the Tribunal made and drawn on 10 October 2024 (the “**Extension Order**”) giving directions for the amendment of the timetable for re-pleading and submissions on binding recitals in the UK Shopping Proceedings

AND UPON the Defendants’ application that the words “*exemplary damages*” in paragraph 2.1, the whole of paragraphs 21.21 to 21.26, and the words “*and / or exemplary damages*” in item 1 of the Prayer of Connexity’s Re-Amended Particulars of Claim dated 14 November 2024 (together “**Connexity’s Exemplary Damages Claim**”) be struck-out pursuant to Rule 41(b) of the Competition Appeal Tribunal Rules 2015 (the “**Rules**”) and/or Connexity’s Exemplary Damages Claim be summarily dismissed pursuant to Rules 43(1)(a)(i) and 43(1)(b) (“**Google’s Strike-Out and Reverse Summary Judgment Application**”)

AND UPON a Case Management Conference taking place on 18-19 November 2024

AND UPON hearing leading counsel for Kelkoo and Ciao and leading counsel and counsel for Connexity, the solicitors for Foundem (Foundem, Kelkoo, Ciao and Connexity, together the “**Claimants**”) and leading counsel for the Defendants

IT IS ORDERED THAT:

A. AMENDMENT OF THE DIRECTIONS ORDER

1. Paragraph 12(a) of the Directions Order is amended to read:

“whether, on the assumption that the relevant search markets were and are those defined by the European Commission in the Google Shopping Decision and that Google was and remains dominant on the said relevant markets as the Claimants allege, Google abused its dominant position on each of the said relevant markets and, if so, in what respects and over what periods; and”.

B. PRELIMINARY ISSUE TRIAL

2. By 4pm on 11 March 2025, the Claimants (jointly) and the Defendants will file skeleton arguments for the Preliminary Issue Trial. To the extent that there are additional issues that are specific to individual Claimants, those Claimants have permission to file separate skeleton arguments on those additional issues without duplicating material contained in the Claimants’ joint skeleton argument.
3. The Preliminary Issue Trial is listed for four days to start on 17 March 2025.

C. GOOGLE’S STRIKE-OUT AND REVERSE SUMMARY JUDGMENT APPLICATION

4. Google’s Strike-Out and Reverse Summary Judgment Application in the Connexity Proceedings is listed for 21 March 2025, with a time estimate of one day.
5. Connexity and Google will file skeleton arguments for the hearing of that Application by 4pm on 11 March 2025.

D. EXPERT EVIDENCE

6. Permission is granted to the parties to adduce written and oral evidence in the field of competition economics to address the issues in the First Trial. This evidence is to be given by Mr Matt Hunt on behalf of the Claimants (jointly) and Mr Robin Noble on behalf of the Defendants (“**First Trial Competition Economics Experts**”).
7. The Tribunal will appoint an expert in the field of data science for the First Trial who will act as an assessor. The cost of that expert will be costs in the case. The parties will seek to agree on the identity of the data science expert and shall inform the Tribunal of the identity of the agreed expert by 4pm on 31 January 2025. If the parties cannot agree, then by 4pm on 31 January 2025, the parties will provide to the Tribunal a list of six experts (three chosen by the Claimants (jointly) and three chosen by the Defendants), from which the Tribunal will appoint one expert.

E. EXPERT-LED DISCLOSURE

8. The parties’ First Trial Competition Economics Experts will meet in January 2025 to discuss and seek to agree the data disclosure required for the First Trial. To the extent that the First Trial Competition Economics Experts cannot agree, then their alternative positions will be presented to the Tribunal for determination.

F. DIRECTIONS TO THE FIRST TRIAL

9. A further CMC shall be listed on the first available date three weeks after the Tribunal hands down its judgment following the Preliminary Issue Trial (the “**Preliminary Issue Judgment**”), at which the Tribunal will make further directions to the First Trial including the sequence and timetable for exchanging expert evidence.
10. By 4pm on the day three months after the handing down of the Preliminary Issue Judgment, the parties shall file and serve factual witness statements for the First Trial. If that period includes the entire month of August, the parties shall have an extra two weeks to file and serve factual witness statements. If the deadline would otherwise fall within the month of August under this paragraph, the deadline shall be automatically extended to 1 September.
11. By 4pm on the day two months after the filing and service of factual witness statements, the parties shall file and serve factual witness statements in reply. If that period includes the entire month of August, the parties shall have an extra two weeks to file and serve factual witness statements in reply. If the deadline would otherwise fall within the month of August under this paragraph, the deadline shall be automatically extended to 1 September.
12. The First Trial is listed to start on 22 June 2026 with:
 - (a) a time estimate of five weeks with one week in reserve; and
 - (b) four days of pre-reading to start on 16 June 2026.

G. FURTHER MATTERS

13. The parties may agree to extend any time period in this Order for a period or periods of up to 21 days in total without reference to the Tribunal, provided that this does not affect the date given for any case management conference or pre-trial review or the date of the First Trial. The parties shall notify the Tribunal in writing of the expiry date of any such extension.

14. Costs in the cases.

15. There be liberty to apply.

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

Made: 20 December 2024
Drawn: 20 December 2024