



Case No: 1527/7/7/22

IN COMPETITION APPEAL TRIBUNAL

BETWEEN:

ALEX NEILL CLASS REPRESENTATIVE LIMITED

Class Representative

- and -

**(1) SONY INTERACTIVE ENTERTAINMENT EUROPE LIMITED
(2) SONY INTERACTIVE ENTERTAINMENT NETWORK EUROPE LIMITED**

Defendants

ORDER

UPON the Tribunal's Amended Disclosure and Timetable to Trial Order dated 20 December 2024 (as amended on 8 January 2025) ("**Amended Timetable Order**")

AND UPON the Tribunal's Amended Confidentiality Ring Order dated 25 October 2024 establishing the Enhanced Confidentiality Ring ("**ECR**")

AND UPON the Class Representative's applications dated 20 December 2024

AND UPON the Defendants' application for an extension of time dated 23 January 2025

AND UPON hearing leading counsel for the Class Representative and for the Defendants at a case management conference on 24 January 2025 ("**January CMC**")

AND UPON the parties' joint letter to the Tribunal dated 4 February 2025 notifying the Tribunal of the parties' agreement in relation to the Class Representative's application dated 20 December 2024, to admit additional members to the ECR ("**ECR Application**")

AND UPON the individuals identified in the ECR Application having been admitted to the ECR

IT IS ORDERED THAT:

Disclosure

1. By 4 pm on 6 March 2025, the Defendants shall: (a) extract the mailbox of Ms Lin Tao; (b) run searches against Ms Lin Tao's mailbox data using the agreed English keyword search terms only; and (c) report the volume of documents from Ms Lin Tao's mailbox data that are identified as responsive to the English keyword search terms, and any difficulties affecting the searches, to the Class Representative.
2. By 4pm on 12 March 2025, the Defendants shall undertake reasonable searches and provide disclosure in respect of:
 - (a) The following persons as additional custodians for Updated Disclosure Table ("**UDT**") categories 2, 4, 16 and 20, for the period from 2018 to 2019 inclusive:
 - (i) Gio Corsi; and
 - (ii) Brian Silva.
 - (b) Documents (including family documents) identified by applying the revised proximity parameter of "*within 20 words*" for UDT categories 6, 14 and 20.
 - (c) Documents relating to UDT category 1 and Redfern Schedule requests 4B-G for the initial period from 1 January 2013 to and including 31 December 2013.
 - (d) All remaining documents and data identified at Row 11 of the Appendix to the Amended Timetable Order, which have not previously been provided (subject to the Defendants being in a position to provide such disclosure).
3. By close of day on 27 February 2025, the Defendants shall provide: (a) a list of their top 10 publishers based on sales volume on the PlayStation Store between 1 January

2016 and 31 December 2022 (listing publishers in order of sales volume) (the “**Top 10 Publishers**”); and (ii) the number of additional documents that would be added to the Defendants’ document review pool if each of the Top 10 Publishers were to be included as keyword search terms for UDT categories 1, 2 and 4 and Redfern Schedule requests 4B-G. By 4pm on 7 March 2025, the parties shall seek to agree three additional publishers from the Top 10 Publishers to be included as search terms for UDT categories 1, 2 and 4 and Redfern Schedule requests 4B-G (the “**Additional Publishers**”).

4. The Timetable to Trial is amended on the terms set forth in the Appendix to this Order.

Enhanced Confidentiality Ring

5. The Defendants shall, by no later than 4pm on 28 May 2025, provide guidelines addressing ECR members’ communication with individuals who are not ECR members but who are members of the Inner Confidentiality Ring.
6. The Defendants’ review of the designation of materials currently disclosed into the ECR shall be deferred until there is clarity as to which of these materials will be included in the trial bundle (and any such review will be limited to those materials).

Liberty to Apply

7. Liberty to apply.

Costs

8. Costs in the case, save that the Defendants shall pay the Class Representative’s costs relating to the application to add Ms Tao as a custodian, to be assessed on the standard basis if not agreed.

Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 27 March 2025
Drawn: 27 March 2025

APPENDIX: RE-AMENDED TIMETABLE TO TRIAL

	Date	Step in proceedings
1	By 5pm on 30 July 2024	<p>The Defendants shall provide an update to the Class Representative and the Tribunal on:</p> <ul style="list-style-type: none"> (a) which of the requests contained in the CR’s Redfern Schedule the Defendants propose to respond to by way of information statement, and in particular whether the Defendants propose to provide any Information Statement(s) in respect of Redfern Schedule requests 2A-F, 2H and 3E; (b) the manner in which the Defendants anticipate responding to the CR’s requests for disclosure of (i) reports, statistics and analysis relating to previous security compromises and (ii) design documents, descriptions and other relevant documents relating to features that have been added to the PS system as mitigatory measures following security incidents (see Redfern Schedule requests 2I-2K); (c) the Defendants’ position in relation to the requests listed in the Updated Disclosure Table and Redfern Schedule in respect of which the Defendants previously indicated that enquiries were ongoing; and (d) the timeframes within which the Defendants anticipate being in a position to provide (i) disclosure of materials in response to the requests listed in the

		Updated Disclosure Table and Redfern Schedule or (ii) information statements in lieu of such materials, where not previously provided.
2	By 30 August 2024	<p>The Defendants shall, to the extent possible, conduct reasonable and proportionate searches for and disclose and provide inspection of:</p> <ul style="list-style-type: none"> (a) the pricing materials that are responsive to Redfern Schedule request 4A(ii) and 4D. (b) materials in respect of the post-2020 period that are responsive to Redfern Schedule request 4A(i) and request 4A (iii); (c) the Defendants' submissions made to the Competition and Markets Authority with respect to the acquisition by Microsoft of Activision Blizzard King that are responsive to Redfern Schedule request 5A and category 11 of the Updated Disclosure Table; (d) versions of the Defendants' Software Usage Terms, System Software License Agreements and PSN Terms of Service covering the duration of the Relevant Period that are responsive to category 15 of the Updated Disclosure Table, to the extent not already provided to the Class Representative; and (e) copies of the user manuals for the PS4, PS4 Pro, PS4 Slim, PS5, PS5 DE, PS5 Slim and PS5 Slim DE which contain information regarding the technical specifications of those consoles that are responsive to category 10 of the Updated

		Disclosure Table and Redfern Schedule request 3G, to the extent the CR does not already have these.
3	By 4pm on 9 September 2024	Defendants to file and serve their disclosure report and EDQ.
4	By 4pm on 13 September 2024	The Defendants shall conduct reasonable and proportionate searches for and disclose and provide inspection of: <ul style="list-style-type: none"> (a) materials from DevNet that are responsive to Redfern Schedule requests 1A-1-B, 1D-1I, 2A-2B, 2E, 3C-3D and 3F; and (b) materials that are responsive to categories 2 and 3 of the Updated Disclosure Table, in so far as the Defendants can identify and access these in time for disclosure on 13 September 2024.
5	By 4pm on 17 September 2024	As regards Redfern Schedule requests 1K, 2A-2H and 3E, the Defendants shall provide to the Class Representative: <ul style="list-style-type: none"> (a) an outline of the proposed Information Statement; and (b) an indication of any documents that will accompany the Information Statement.
6	9 October 2024	Tribunal to hold a CMC to resolve any outstanding issues concerning disclosure (if needed).
7	By 4pm on 25 October 2024	The Defendants shall:

		<ul style="list-style-type: none"> (a) provide the Information Statements which respond to Redfern Schedule requests 1K, 2A-2H and 3E; (b) disclose and provide inspection of any documents that accompany the Information Statement(s); and (c) conduct reasonable and proportionate searches for and disclose and provide inspection of: <ul style="list-style-type: none"> (i) materials which are responsive to Redfern Schedule requests 1C and 1F; and (ii) materials which are responsive to Redfern Schedule requests 2I-2K.
8	By 4pm on 25 October 2024	<p>The Defendants shall conduct reasonable and proportionate searches for and disclose and provide inspection of :</p> <ul style="list-style-type: none"> (a) transaction and consumer engagement data relating to UK PlayStation users that are responsive to category 18 in the Updated Disclosure Table; (b) any documentation responsive to category 5 of the Updated Disclosure Table that has been identified by that date;

		<p>(c) materials relating to market dynamics that are responsive to categories 7, 8 and 9 in the Updated Disclosure Table, insofar as these are held:</p> <ul style="list-style-type: none"> (i) in the CIT’s shared ‘G drive’ folder on the Defendants’ internal network; and/or (ii) on the CIT’s file sharing site hosted by “Box”; <p>(d) materials relating to the Defendants’ cross-platform policy and presentations relating to the launch of cross-platform functionality on PlayStation that are responsive to categories 16(a) and 16(b) in the Updated Disclosure Table, in so far as these can be located via searches of identified repositories;</p> <p>(e) materials in respect of the period 2016-2020 that are responsive to Redfern Schedule request 4A(i) and request 4A(iii);</p> <p>(f) materials relating to alternative distribution channels that are responsive to category 13 of the Updated Disclosure Table, insofar as they are responsive to the search terms intended to identify such materials;</p> <p>(g) materials responsive to categories 2 and 3 in the Updated Disclosure Table not provided to the Class Representative by 13 September 2024, in so far as these can be located via searches of identified repositories; and</p>
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		(h) materials responsive to Redfern Schedule request 6A and category 13 of the Updated Disclosure Table (in so far as the Defendants can identify and access these in time for disclosure on 25 October 2024).
9	14 November 2024	Tribunal to hold a further CMC to resolve any outstanding issues concerning disclosure (if needed)
10	By 4pm on 29 November 2024	The Defendants shall conduct reasonable and proportionate searches for and disclose and provide inspection of materials that are responsive to Redfern Schedule requests 3A and 3B, insofar as they are relevant to the distribution of PS games and add-on content.
11	By 4pm on 23 December 2024	<p>The Defendants shall:</p> <ul style="list-style-type: none"> (a) conduct reasonable and proportionate searches for and disclose, and provide inspection of, any further materials identified in the course of the Defendants' review of custodian mailboxes which are responsive to: <ul style="list-style-type: none"> (i) Redfern Schedule requests 4B-C and 4E-H; and (ii) categories 1-2, 4, 6, 12-14, 16 and 20 in the Updated Disclosure Table; (b) conduct reasonable and proportionate searches for and disclose and provide inspection of, to the extent available, revenue and costs data which are responsive to categories 17 and 19 of the Updated Disclosure Table; and (c) disclose and provide inspection of any further documents responsive to the requests listed in the Updated Disclosure Table and Redfern Schedule that the

		<p>Defendants are to respond to by way of documentary disclosure or confirm that on the basis of reasonable and proportionate searches there do(es) not exist any further documents responsive to these requests,</p> <p>in each case insofar as they can complete such steps by 23 December 2024.</p>
11A	By 4pm on 23 January 2025	The Defendants shall disclose and provide inspection of any documents and data identified at Row 11 above, to the extent such documents and data are not previously provided as part of the Defendants' disclosure on 23 December 2024; and the Defendants are in a position to provide such disclosure.
11B	By 4pm on 12 March 2025	<p>To the extent there remain additional documents and data identified at Row 11 above which have not been provided by 23 January 2025, and the Defendants are in a position to provide such disclosure, the Defendants shall disclose and provide inspection of such materials.</p> <p>Additionally, the Defendants shall disclose and provide inspection of documents and data pursuant to paragraphs 2(a)-(c) above.</p>
11C	By 12 noon on 27 March 2025	<p>The Defendants shall conduct reasonable and proportionate searches for and disclose and provide inspection of documents relating to:</p> <p>(a) Ms Lin Tao;</p>

		<p>(b) those search terms included in the Annex A1 Proposed Search Terms which have been agreed between the parties (to the extent not previously provided by 12 March 2025); and</p> <p>(c) the additional publishers whose identities have been agreed between the CR and the Defendants pursuant to paragraph 3 above.</p> <p>Additionally, the Defendants shall disclose and provide inspection of any additional documents and data identified at Row 11 above which have not been provided by 12 March 2025.</p>
12	On Friday 24 January 2025	Tribunal to hold a further CMC to resolve any outstanding disclosure issues (if needed).
13	By 4pm on 14 April 2025	CR to file and serve its [Re]-Re-Re-Amended Claim Form.
14	By 4pm on 14 April 2025	CR to file and serve a formal explanation of the specific scope of Professor Pietzuch's proposed technical expert evidence, as a condition of the Tribunal's granting permission for that evidence.
15	By 4pm on 12 May 2025	Defendants to file and serve their Amended Defence.
16	By 4pm on 12 May 2025	Defendants to confirm the extent to which they propose to adduce technical expert evidence in respect of the matters to be addressed by Professor Pietzuch.
17	By 4pm on 28 May 2025	CR to file and serve its Amended Reply.
18	By 4pm on 4 June 2025	Defendants to file and serve their Amended Rejoinder.

19	By 4pm on 6 June 2025	Parties to seek to agree statement of common ground and list of issues.
20	By 4pm on 11 June 2025	Parties to indicate the factual witnesses intended to give evidence on their behalf.
21	By 4pm on 30 June 2025	Parties to file and serve signed witness statement of fact.
22	By 4pm on 30 June 2025	CR to file and serve a signed statement from Professor Pietzuch setting out the factual basis of his opinion evidence, such facts to be confined to facts drawn from sources other than the Defendants' (i) disclosure and/or (ii) responses to the CR's information requests.
23	By 4pm on 9 July 2025	The CMA, if so advised, shall file and serve its written observations.
24	By 4pm on 28 July 2025	Parties to file and serve signed statements of witness of fact in reply.
25	By 4pm on 15 August 2025	CR to file and serve Professor Pietzuch's primary report; Defendants, if so advised, to file and serve technical expert evidence.
26	By 4pm on 12 September 2025	The parties, if so advised, to file and serve their respective written observations on the CMA's written observations.
27	By 4pm on 15 September 2025	CR to file and serve Professor Pietzuch's expert evidence in reply; Defendants, if so advised, to file and serve technical expert evidence in reply.
28	By 4pm on 6 October 2025	The CMA, if so advised, shall file and serve its written observations in reply.
29	By 4pm on 10 October 2025	Parties to file and serve signed valuation, economic and accounting expert reports.
30	By 4pm on 28 November 2025	Parties to file and serve signed valuation, economic and accounting expert reports in reply.
31	By 4pm on 15 December 2025	Parties' experts in each respective field shall meet on a without prejudice basis to discuss their respective reports. This is without prejudice to the experts' ability to meet at other times.

32	By 4pm on 9 January 2026	Parties' experts in each respective field shall produce a joint statement of matters agreed and not agreed.
33	First available date on or after 19 January 2026	Pre-trial review.
34	On 2 March 2026	Trial on all issues (with a time estimate of 10 weeks). The first week shall be a reading week for the Tribunal.