



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1570/5/7/22 (T)

BETWEEN:

JJH ENTERPRISES LIMITED
(trading as VALUE LICENSING)

Claimant

- v -

(1) MICROSOFT CORPORATION
(2) MICROSOFT LIMITED
(3) MICROSOFT IRELAND OPERATIONS LIMITED

Defendants

ORDER (PI TRIAL PTR)

UPON the Tribunal's directions for the trial of preliminary issues by Order dated 29 May 2025 ("CMC-6 Order")

AND UPON the trial of the preliminary issues being listed to be heard from 9-11 September 2025 with a time estimate of 3 days plus 1 day of pre-reading (the "**PI Trial**")

AND UPON paragraph 4 of the CMC-6 Order requiring the parties to file a Statement of Facts relevant to the preliminary issues in agreed form, or with any outstanding points of disagreement set out, by 4:00pm on 18 July 2025

AND UPON the Defendants' application for directions in relation to the statement of facts dated 18 July 2025 ("**Statement of Facts Application**")

AND UPON the Defendants having served on the Claimant a Notice to Admit Facts on 25 July 2025

AND UPON hearing the pre-trial review (“**PTR**”) on 31 July 2025

AND UPON the Claimant confirming orally at the hearing of the PTR that it would respond to the Defendants’ Notice to Admit Facts by 12:00pm on 14 August 2025

IT IS ORDERED THAT:

Statement of facts

1. By **5:00pm** on **5 August 2025**, the Claimant shall serve on the Defendants a further version of the draft Statement of Facts, in the form of a single Word document which:
 - (a) is based on the version of the draft Statement of Facts filed by the Defendants at **4:00pm** on **18 July 2025** and identifies all changes made by the Claimant to that draft by way of mark-up within that document; and
 - (b) sets out the Claimant’s position on any outstanding points of disagreement and any additional facts upon which it intends to rely at the PI Trial, in red coloured text within that document.
2. In the course of **6 August 2025**, the Defendants shall serve on the Claimant a further version of the draft Statement of Facts, based on the document served by the Claimant in accordance with paragraph 1 of this Order, to which has been added any additional facts upon which the Defendants intend to rely at the PI Trial.

Timetable for the PI Trial

3. Time for oral submissions at the PI Trial shall be divided, so far as possible, equally between the Claimant and the Defendants. The Claimant continues to be the claimant for the purposes of the PI Trial.

Bundles for the PI Trial

4. The following directions shall apply to the trial bundles for the PI Trial:

- (a) There shall be a volume which includes the version of the Statement of Facts directed at paragraph 2 of this Order, which shall be filed in both electronic and hard copy form;
- (b) There shall be a further volume which includes all annexes to that version of the Statement of Facts in numbered order and no other documents (and where there is disagreement as to the contents of an annex, both versions shall be included) which shall be filed in both electronic and hard copy form;
- (c) There shall be a further volume which contains the principal pleadings (insofar as relevant to the PI Trial) which shall be filed in both electronic and hard copy form;
- (d) There shall be a further volume which contains the evidence relied upon by each party at the PI Trial, which shall be filed in both electronic and hard copy form;
- (e) There shall be a further volume which contains any exhibits or documents referred to in the evidence, which shall only be filed in electronic form;
- (f) There shall be a further volume which contains any other documents being relied upon by either party (and the parties shall consider whether it is necessary to be filed in hard copy or only electronic form);
- (g) Each hard copy volume shall not exceed 350 pages and shall be divided insofar as necessary to achieve that;
- (h) The electronic bundles shall replicate and mirror the corresponding hard copy volumes in all respects; and
- (i) Save insofar as varied by this Order, each volume of the trial bundle shall be prepared in accordance with the Tribunal Practice Direction 1/2025 on Bundles for Hearings.

5. The following directions shall apply to the preparation of the said trial bundles, and paragraph 8 of the CMC-6 Order is varied accordingly:

- (a) By no later than **4:00pm on 18 August 2025**, the Claimant shall provide draft bundle indices to the Defendants reflecting the preceding directions;
- (b) By no later than **4:00pm on 21 August 2025**, the Defendants shall provide any comments on those draft bundle indices;
- (c) By no later than **4:00pm on 25 August 2025**, the Claimant shall serve on the Defendants an electronic copy of the trial bundles for the PI Trial;
- (d) By no later than **4:30pm on 25 August 2025**, the parties shall file a joint core volume of authorities in electronic form, which contains copies of the key authorities relied upon by either or both parties in relation to the two principal issues of law to be determined at the PI Trial each of which is to be marked up wherever possible by means of sidelining (or equivalent) to identify the principles relied upon by each party citing it;
- (e) By no later than **4:00pm on 2 September 2025**, the trial bundles shall be filed in electronic and, where ordered, hard copy format; and
- (f) By no later than **4:00pm on 3 September 2025**, the parties shall file supplemental joint authorities bundles which include those authorities referred to in the parties' skeleton arguments, and to which authorities may be added on a rolling basis during the trial as appropriate (updated versions of which are to be filed in single .pdf electronic format as soon as reasonably practicable) each of which is to be marked up by means of sidelining (or equivalent) to identify the principles relied upon by each party citing it.

Other directions leading to the PI Trial

- 6. By **4:00pm on 15 August 2025**, the parties shall serve any Civil Evidence Act notices.
- 7. By **10:00am on 5 September 2025**, the parties shall file an agreed reading guide, which identifies those documents (or, where possible, the parts of documents) and authorities which they consider it is necessary for the Tribunal to pre-read.

8. Documents in the PI Trial bundle designated as “confidential” shall, pending further order, remain subject to CPR r 31.22(1) notwithstanding that they may at the PI Trial be read by or to the Tribunal or referred to at a hearing held in public.
9. The parties are at liberty to apply on paper to vary or add to the directions given in this Order.

Costs

10. Costs in the PI Trial.

Service

11. This Order shall be served by the Claimant on the Defendants.

Mr Justin Turner KC
Chair of the Competition Appeal Tribunal

Made: 26 August 2025
Drawn: 26 August 2025