



**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

Case No: 1596/5/7/23

AND BETWEEN:

**WHITEWATER CAPITAL LIMITED  
("Ciao")**

Claimant

- v -

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

Defendants

Case No: 1636/5/7/24 (T)

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 (KELKOO DISCLOSURE)**

---

**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 Information (as those terms are defined in the Confidentiality Order)

**AND UPON** the Order of the Tribunal made and drawn on 30 October 2024 requiring the Defendants to disclose and give inspection to the Claimants of certain Federal Trade Commission (“**FTC**”) deposition transcripts and certain exhibits to previously disclosed FTC Transcripts (the “**FTC Documents**”)

**AND UPON** the Order of the Tribunal made and drawn on 20 December 2024 (the “**Directions Order**”) following the case management conference on 18 and 19 November 2024 (the “**November CMC**”), giving directions for expert-led disclosure in the UK Shopping Proceedings (the “**Expert-Led Disclosure Process**”),

**AND UPON** the Order of the Tribunal made and drawn on 20 December 2024 (the “**Kelkoo & Ciao Disclosure Order**”) following the November CMC requiring the Defendants to, amongst other things, disclose and give inspection to the Claimants of documents responsive to (i) the categories set out in Part A of the Confidential Schedule to the Order (the “**Strategy Disclosure**”) and (ii) paragraph 4 of the Order (the “**Remedy Disclosure**”)

**AND UPON** the Defendants providing disclosure and inspection to the Claimants of the FTC Documents on 13 November 2024, the Remedy Disclosure on 19 February, 26 February and 22 April 2025, and the Strategy Disclosure on 21 March 2025, alongside accompanying disclosure statements, including the disclosure statement of Stephen Wisking dated 23 March 2025 regarding the Strategy Disclosure (the “**Strategy Disclosure Statement**”)

**AND UPON** the Claimants’ and Defendants’ appointed experts for the First Trial meeting on a without prejudice basis in accordance with the Expert-Led Disclosure Process

**AND UPON** the Tribunal reviewing Kelkoo’s application for disclosure and information in *Kelkoo.com (UK) Limited & Ors. v. Google LLC & Ors.* (the “**Kelkoo Proceedings**”), by the Claimants in *Infederation Limited v Google LLC & Ors* (the “**Foundem Proceedings**”) and the Claimants in *Skimbit Ltd v Google UK Limited & Ors* (the “**Connexity Proceedings**”), which is supported by the Claimants in the *Whitewater Capital Limited v. Google LLC & Anor.* (the “**Ciao Proceedings**”) (“**Kelkoo’s Disclosure Application**”)

**AND UPON** the Tribunal hearing Counsel for the Claimants and Counsel for the Defendants at the hearing on 17 and 18 July 2025 (the “**July Hearing**”)

**AND UPON** the following definitions applying for the purposes of this Order:

- **“Google Comparison Shopping”** means (for the purposes of this Order) Google’s standalone comparison shopping websites, including those from time to time known as Froogle, Product Search, Google Product Search and Google Shopping;
- **“GCSS”** means Google Comparison Shopping and the Shopping Box.
- **“Decision Countries”** means each of Germany, the United Kingdom, France, Italy, the Netherlands, Spain, the Czech Republic, Austria, Belgium, Denmark, Norway, Poland and Sweden, and **“Decision Country”** means any one such country.
- **“Decision Period”** means the respective infringement periods for the Decision Countries where the European Commission (**“Commission”**) found, in its decision dated 27 June 2017 in Case AT.39740 *Google Search (Shopping)* (the **“Decision”**), an infringement of Article 102 TFEU and Article 54 EEA by the undertaking consisting of Google, LLC and Alphabet, Inc., including in the UK and Germany (January 2008 – 27 June 2017), France (October 2010 – 27 June 2017), Italy, Netherlands and Spain (May 2011 – 27 June 2017), Czech Republic (February 2013 – 27 June 2017), and Austria, Belgium, Denmark, Poland, Sweden and Norway (November 2013 – 27 June 2017) which continued in all Decision Countries from 27 June 2017 until 28 September 2017, being the date on which Google implemented the Compliance Mechanism;
- **“Pre-Decision Period”** means the period commencing on 1 January 2004 until the start of the infringement period found by the Commission in the Decision;
- **“Post-Decision Period”** means the date when the Compliance Mechanism was introduced in a country until present date (for the purposes of this Disclosure Order, this will be until the date of the Order); and
- **“Shopping Box”** means any collection of results presented prominently on Google’s SERP including the those known as Product OneBox, Product Universal, Commercial Unit or Shopping Unit, and **“Box”** and **“Boxes”** shall be construed accordingly;
- **“Compliance Mechanism”** means the mechanism implemented by Google on 28 September 2017 in each relevant Decision Country pursuant to the directions given by the Commission in Article 3 of the Decision to bring effectively to an end the infringement found in Article 1 of the Decision and which permitted third parties to participate in an auction conducted by Google to place, on behalf of merchant customers, paid product results (known as “product listing ads”, or “PLAs”) within the Shopping Units displayed on Google’s general search results page.

**IT IS ORDERED THAT:**

Expert-Led Disclosure

- 1 By 4pm on 8 August 2025, the Defendants shall disclose (where possible, on a rolling basis), and give inspection to the Claimants of:
  - a. the Weekly Reports submitted by Google to the Commission for the Decision Countries for the period from October 2017 to June 2022 inclusive; and
  - b. the Google Shopping Europe Profit and Loss information (the “**Shopping P&Ls**”) produced for the Decision Countries for the period from October 2022 to 18 July 2025.
- 2 By 4pm on 22 August 2025, the Defendants shall disclose, (where possible on a rolling basis), and give inspection to the Claimants of data and (where applicable) documents containing data that are responsive to Requests A2, A5(a), A9, A11 and A21 (save for the Weekly Reports and Shopping P&Ls), as set out in Part A of the Confidential Schedule to this Order.
- 3 By 4pm on 10 October 2025, the Defendants shall conduct a reasonable and proportionate search and, if available, disclose, (where possible on a rolling basis), and give inspection to the Claimants of documents containing data that are responsive to Request A5(b) and A7 as set out in Part A of the Confidential Schedule to this Order.
- 4 By 4pm on 10 October 2025, the Defendants shall disclose, (where possible on a rolling basis) and give inspection to the Claimants of:
  - a. the documents that are responsive to the document requests set out in Part B of the Confidential Schedule to this Order; and
  - b. the data and documents containing data (where applicable) that are responsive to Requests A13, A15 and A26 in the Confidential Schedule to this Order

## Remedy and Strategy Disclosure

- 5 By 4pm on 8 August 2025, the Defendants shall disclose to the Claimants a privilege log recording the following information in relation to each document in the Remedy Disclosure which has been withheld from inspection on the basis that the Defendants assert legal professional privilege over part or the entirety of the document (provided that only information requested under (f) is required for part privileged documents):
  - a. Bates number;
  - b. Document creation date;
  - c. Custodian(s);
  - d. Author(s) and/or sender(s) and recipient(s);
  - e. Document description; and
  - f. Particulars of the justification for the claim of legal professional privilege.
- 6 By 4pm on 8 August 2025, the Defendants shall conduct a reasonable and proportionate search and, if available, disclose (where possible on a rolling basis) and give inspection to the Claimants of documents responsive to the requests set out in Parts C (Remedy Disclosure) and D (Strategy Disclosure) of the Confidential Schedule to this Order (and any documents responsive to Remedy Disclosure and/or Strategy Disclosure requests which the parties have agreed between them by the date of this Order), except for the following requests:
  - a. Only in the event that no such documents are produced by the Defendants pursuant to paragraph 7(b) below, request R23 in Part C (Remedy Disclosure). In response to R23, if necessary, the Defendants shall conduct a reasonable and proportionate search and, if available, disclose and give inspection to the Claimants of documents responsive to this request by 4pm on 10 October 2025; and
  - b. R24 in Part C (Remedy Disclosure) and SS5 in Part D (Strategy Disclosure), for which the Defendants shall conduct a reasonable and proportionate search and, if available, disclose and give inspection to the Claimants of documents responsive to this request by 4pm on 26 September 2025.

7 By 4pm on 10 October 2025, the Defendants shall disclose, (where possible on a rolling basis), and give inspection to the Claimants of:

a. Internal documents created or held by the following custodians in the period from 18 April 2017 to 31 May 2017 showing the strategy behind and reasons for the selection and design of the Compliance Mechanism and for not selecting possible alternative means of remedying the competition issues identified by the Commission, including, in particular, documents showing what Google considered would be the best way bringing to an end and of resolving conduct that which the Commission had on a preliminary basis (including but not limited to in the Statement of Objections sent to Google on 15 April 2015) and in the Supplementary Statement of Objections sent to Google and Alphabet on 14 July 2016) informed Google was likely to infringe Article 102 TFEU and Article 54 EEA:

i. Eric Tholomé;

ii. Khan Nguyen;

iii. Fabien Curto Millet;

iv. Jennifer Liu;

v. Anand Murugappan; and

vi. Greg Friedman.

b. Internal documents created or held by the following custodians for the period from 1 June 2017 to 30 September 2017, showing the strategy behind and reasons for the selection, design and implementation of the Compliance Mechanism and for not selecting possible alternatives means considered by Google for complying with the directions made by the Commission in Article 3 of the Decision to bring effectively to an end the infringement found by the Commission in Article 1 of the Decision.

- i. Eric Tholomé; and
  - ii. Philipp Schindler.
- c. Documents contained on Google's 'Filer/X20' repository which are responsive to the disclosure categories listed in Part A of the Confidential Schedule to the Kelkoo & Ciao Disclosure Order, from the start date specified for each category up to 31 December 2005. In respect of categories S9 and S10, the custodians shall include Bill Brougher, Minnie Ingersoll, Sohan Mazumdar and Scott Huffman.
- 8 The Defendants shall provide a disclosure statement in respect of the disclosure ordered at paragraphs 1-7 after the disclosure in each paragraph is completed.
- 9 In giving disclosure and inspection, the Defendants shall be entitled to withhold from disclosure and inspection any documents (or parts of documents) over which they are entitled to assert privilege.
- 10 Documents and/or data containing Confidential Information or Legal Eyes Only Confidential Information which are disclosed by the Defendants shall be disclosed pursuant to the terms of the Confidentiality Order.

#### General Matters

- 11 Costs in the case, save for the costs incurred relating to paragraph 5 of this Order, where costs are reserved subject to the outcome of such exercise.
- 12 The parties have liberty to apply.

**Sir Peter Roth**  
Chair of the Competition Appeal Tribunal

Made: 18 July 2025  
Drawn: 19 September 2025