



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
(the “Foundem Proceedings”)

AND BETWEEN:

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

(1) KELKOO.COM (UK) LIMITED
(2) KELKOO SAS
(3) JAMPLANT LIMITED
(4) KELKOO INTERNET S.L.
(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
(the “**Kelkoo Proceedings**”)

AND BETWEEN:

Case No: 1596/5/7/23

(1) WHITEWATER CAPITAL LIMITED
(“WWC”)

Claimant

- v -

(1) GOOGLE LLC
(2) ALPHABET INC

Defendants
(the “**Ciao Proceedings**”)

AND BETWEEN:

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

(1) SKIMBIT LIMITED
(2) CONNEXITY INC
(3) CONNEXITY EUROPE GMBH
(together “**Connexity**”)

Claimants

- v -

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

Defendants
(the “**Connexity Proceedings**”)

The Foundem Proceedings, the Kelkoo Proceedings, the Ciao Proceedings and the Connexity Proceedings together the “**UK Shopping Proceedings**”

REASONED ORDER (O'CALLAGHAN STATEMENT)

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 20 December 2024 (the “**December Directions Order**”) giving directions in respect of the first trial in the UK Shopping Proceedings (the “**First Trial**”)

AND UPON the Order of the Tribunal made on 1 August 2025 and drawn on 4 August 2025 which provided at paragraph 4 that the parties shall file and serve factual witness statements for the First Trial shall by 23 October 2025, pursuant to paragraph 10 of the December Directions Order

AND UPON the application filed on 30 September 2025 by the Defendants in the UK Shopping Proceedings seeking permission to rely upon the first witness statement and enclosures thereto of Liadan O’Callaghan (“**O’Callaghan 1**”) as evidence at the First Trial in these proceedings (the “**Application**”)

AND UPON considering the parties’ submissions on the Application, including: (i) the letter of 30 September 2025 sent on behalf of Foundem confirming that Foundem does not oppose the Application, however reserves its right to question the evidentiary weight to be afforded to O’Callaghan 1 at the First Trial; and (ii) the letter of 1 October 2025 sent on behalf of Connexity, Kelkoo and Ciao opposing the Application

AND HAVING REGARD TO the Tribunal’s powers under the Competition Appeal Tribunal Rules 2015

IT IS ORDERED THAT:

1. The Application is granted. The Defendants shall have permission to rely upon O’Callaghan 1 as evidence at the First Trial in the UK Shopping Proceedings.
2. Costs in the case.
3. There be liberty to apply.

REASONS:

1. Having regard to the governing principles in rule 4 of the Competition Appeal Tribunal Rules 2015, it is proportionate and cost-efficient for the Defendants to be able to rely on O’Callaghan 1 without the need for a further witness statement, essentially for the reasons

set out in the Application.

2. I do not consider that the Claimants who opposed the Application will be prejudiced. As stated in the response of Foundem, they will be able to make submissions at trial as to the weight to be given to this evidence.

Sir Peter Roth

Chair of the Competition Appeal Tribunal

Made: 6 October 2025

Drawn: 6 October 2025