



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos 1378/5/7/20
1408/7/7/21
1673/7/7/24

BETWEEN:

(1) EPIC GAMES, INC
(2) EPIC GAMES ENTERTAINMENT INTERNATIONAL GMBH
(together, “Epic”)
Claimants

- and -

(1) ALPHABET INC
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE COMMERCE LIMITED
(5) GOOGLE PAYMENT LIMITED
Defendants
(the “Epic Proceedings”)

AND BETWEEN:

ELIZABETH HELEN COLL
the “Coll Class Representative”

- and -

(1) ALPHABET INC
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE COMMERCE LIMITED
(5) GOOGLE PAYMENT LIMITED
Defendants
(the “Coll Proceedings”)

AND BETWEEN:

PROFESSOR BARRY RODGER
the “Rodger Class Representative”

- and -

(1) ALPHABET INC

(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE ASIA PACIFIC PTE LIMITED
(5) GOOGLE COMMERCE LIMITED
(6) GOOGLE PAYMENT LIMITED
(7) GOOGLE UK LIMITED

Defendants (“Google”)
(the “Rodger Proceedings”)

ORDER

UPON the Order of the Tribunal made on 4 August 2025 following the 1 May 2025 case management conference (the “**1 May CMC Order**”)

AND UPON the Rodger Class Representative serving his supplementary disclosure requests on Google on 4 July 2025 (the “**Supplementary Disclosure Requests**”)

AND UPON Google submitting its disclosure requests to the Rodger Class Representative on 25 July 2025, as contained in Annex 1 (the “**Google Disclosure Requests**”)

AND UPON the Rodger Class Representative providing to Google on 12 August 2025 an amended form of the Supplementary Disclosure Requests in two tables identifying which Supplementary Disclosure Requests he maintained, withdrew or modified with reasons (the “**Amended Supplementary Disclosure Requests**”)

AND UPON the Coll Class Representative’s letter to the Tribunal dated 15 August 2025 setting out her comments and additional requests relating to the disclosure sought by Google relevant to pass-on (the “**Coll Pass-On Disclosure Requests**”)

AND UPON the Order of the Tribunal made on 2 September 2025 providing directions for the case management conference on 25 September 2025 (the “**Disclosure CMC Directions Order**”)

AND UPON Google and the Rodger Class Representative filing with the Tribunal on 17 September 2025 schedules which included only the requests that needed to be resolved by the Tribunal

AND UPON the Rodger Class Representative contacting UK-based app developers on 9 September 2025 to ask whether they would be willing to provide documents and/or data relating to certain of the Google Disclosure Requests (the “**Class Mailout**”)

AND UPON Google having provided disclosure on 8, 10 and 12 September 2025 in respect of certain of the Supplementary Disclosure Requests, and having agreed to provide disclosure in respect of certain of the Amended Supplementary Disclosure Requests (the “**Agreed Disclosure**”) by the deadline set out in paragraph 9 of the Disclosure CMC Directions Order (the “**Disclosure Deadline**”)

AND UPON hearing counsel for each of the Rodger Class Representative, Coll Class Representative and Google at the case management conference on 25 September 2025 (the “**Disclosure CMC**”)

AND UPON the Tribunal issuing a ruling dated 25 September 2025 following the Disclosure CMC

IT IS ORDERED THAT:

Amended Supplementary Disclosure Requests

1. By the Disclosure Deadline, Google shall:
 - (a) Disclose any outstanding Agreed Disclosure.
 - (b) In response to Request R8(c), disclose Google data on activation and other payments (or equivalent) made to Original Equipment Manufacturers pursuant to Placement Agreements (including Samsung) during the “**Relevant Period**” (as defined in the Rodger Class Representative’s Claim Form) disaggregated by OEM and country.
 - (c) In response to Request R9(a), disclose a copy of paragraphs 7.187 - 7.230, 8.199 - 8.324, 12.145-12.147 of the CMA’s “Mobile Browsers and Cloud Gaming” Final Decision Report (the “**MBCG Final Report**”), and Appendix B to the same, with Google confidential information unredacted.

- (d) In response to Request R9(b), disclose (i) Google's written submission(s), including Google's responses, and (ii) pre-existing documents that Google submitted, cited in Appendix B to the MBCG Final Report.
- (e) In response to Request R20(d), disclose Google data on revenues generated from any OEM European Mobile Application Distribution Agreement licensing fee during the Relevant Period disaggregated by OEM and country.
- (f) In response to Request R14(a), disclose any documents which indicate that the reasons for suspension of the apps of 10 Indian app developers in March 2024 that are other than those set out in the document enclosed to RPC's letter dated 24 September 2025. Otherwise, Request R14(a) is refused.
- (g) In response to Request R21(a):
 - (i) provide a list of the categories, at least, of Alphabet Inc.'s unallocated costs;
 - (ii) to the extent practicable on a best endeavours basis, provide: (1) details of the heads of unallocated joint and common costs which are required to operate the Play Store; (2) information on why these particular heads of unallocated costs should be deducted from the profitability analysis; and (3) an explanation of how such costs should be calculated and on the basis of what information and assumptions; and
 - (iii) identify where information relevant to Request R21(a) is contained in the disclosure provided.

Otherwise, Request R21(a) is refused.

- (h) Request R21(b) is refused.

Google Disclosure Requests

2. The Rodger Class Representative shall notify the parties of any responses received to the Class Mailout. The Rodger Class Representative is not required to notify the parties of any automated responses.
3. The Rodger Class Representative shall disclose, by the Disclosure Deadline (and, thereafter, no later than 14 days after receipt of the documents), any documents he has obtained or obtains from app developers that are responsive to Requests G1 (as supplemented by the Coll Pass-On Disclosure Requests) and G2.
4. In response to Request G3, the Rodger Class Representative shall, at the same time as service of his witness statements of fact for trial in these proceedings pursuant to paragraphs 17 and 18 of the 1 May CMC Order disclose any document(s) the witness has referred to or relied on in their witness statement, together with any documents the witness has referred to or been referred to or shown for the purpose of providing the evidence set out in their trial witness statement.

Consequential

5. The parties shall have liberty to apply.
6. Costs in the case.

Mr Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 1 December 2025
Drawn: 1 December 2025

Annex 1

Google Disclosure Requests

No.	Request
G1	Disclosure in connection with pass-on, covering the following material: (i) Transaction data for UK developers in respect of transactions of apps or digital content on platforms other than Google Play. (ii) Documents and data that explain and / or evidence developers' pricing strategies and practices for apps and digital content on any platform, including pricing data for apps and digital content where available. (iii) Documents and data which evidence the type and magnitude of marginal costs incurred by developers in connection with the sale of apps and digital content on any platform. (iv) Documents which evidence the categorisation and/or treatment of Google's service fees in its management reporting and accounting. (v) Documents which evidence procurement policies of developers, and negotiations between developers and their suppliers. Any such disclosure shall cover Relevant Period in the Rodger Proceedings (i.e., 23 August 2018 to 22 August 2024).
G2	Disclosure for the Relevant Period (defined in paragraph 19 of the Rodger CR's Claim Form as 23 August 2018 to 22 August 2024), in connection with other steps taken by developers to mitigate their alleged losses, including: (i) Distributing their apps and / or in-app content through non-Google Play Store distribution channels and / or other platforms. (ii) Making use of and / or marketing other distribution channels and / or other platforms. (iii) Seeking to enter into preinstallation agreements with OEMs and / or MNOs. (iv) Making their digital content available in an app obtained through the Google Play Store even where purchased elsewhere. (v) Enrolling into "user choice billing" or "developer-only billing". (vi) Distributing their apps in additional or other jurisdictions.