



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
(“GOOGLE”)

Defendants

ORDER (ADWORDS WITHDRAWAL)

UPON Foundem confirming that it does not, and will not in the future, pursue, in full or in any way, any allegation that the design, implementation, application and/or impact of the AdWords LPQ algorithm comprised or formed part of an abuse of a dominant position by Google, and accordingly confirming that it no longer pursues any claim for damages (or any other relief) in respect of loss allegedly caused by such an alleged abuse

AND UPON Foundem confirming that it will not pursue the claims summarised in paragraphs 5(e) and 5(f) of Foundem’s Response of 22 February 2019 to Google’s Request for Information of 6 December 2018 that:

- between 1 August 2006 and around 25 September 2007, Google committed an abuse by applying a penalty in relation to Foundem’s AdWords account without objective justification;
- between 1 August 2006 and around 25 September 2007, Google committed an abuse by discriminating against Foundem in the Quality Scores given to Foundem’s webpages, thereby increasing the cost for Foundem of advertising its website via Google’s AdWords service to a level far above that applicable to some of Foundem's competitors,

as had been pleaded since Foundem's Particulars of Claim dated 17 September 2012 and as maintained and further particularised in Foundem's Re-Re-Re-Re-Re-Amended Particulars of Claim ("**Foundem's AdWords Claim**")

AND UPON Foundem confirming that all remaining references in its statements of case to "LPQ penalty", "LPQ penalties" or equivalent terminology should be understood in the context that Foundem does not allege that the AdWords LPQ algorithm comprised or formed part of an abuse of a dominant position by Google

AND UPON Foundem having provided a mark-up of its proposed amendments to its Re-Re-Re-Re-Amended Particulars of Claim to Google, as annexed hereto, to which Google has agreed and which will be served by Foundem within two working days of the date of this Consent Order as Foundem's Re-Re-Re-Re-Re-Amended Particulars of Claim

AND UPON Foundem confirming that its witness evidence will be read together with, and subject to, the position pleaded in the Re-Re-Re-Re-Re-Amended Particulars of Claim that Foundem does not allege that the AdWords LPQ algorithm comprised or formed part of an abuse of a dominant position by Google

AND UPON Google having permission (if so advised) to amend its Re-Re-Re-Re-Re-Amended Defence and to serve its Re-Re-Re-Re-Re-Amended Defence within 7 days from the date of this Consent Order

AND UPON Foundem agreeing to provide within 14 days of the date of this Consent Order a draft mark-up of its proposed amendments to its Re-Re-Re-Amended Reply to Google to enable Google to consider the compliance of the proposed amendments with the terms of this Order and to make any reasonable objections to the proposed amendments prior to the service of the Re-Re-Re-Re-Amended Reply

AND UPON Foundem serving its Re-Re-Re-Re-Amended Reply within 21 days of the date of this Consent Order if the amendments to that Reply are agreed. If those amendments are not agreed, the parties shall refer the dispute to the Tribunal for determination at Trial 1 (to the extent that any point of disagreement is relevant to the issues to be determined in Trial 1)

AND UPON Google filing as evidence for the first trial in these proceedings the first and second statements of Ms Elizabeth Dorfman dated 17 October 2025 and 22 December 2025 and the second statement of Ms Liadan O'Callaghan dated 19 December 2025

AND UPON the Order dated 6 October 2025 granting Google permission to rely upon the first statement of Ms O'Callaghan dated 29 September 2023 at the first trial in these proceedings

AND UPON Foundem confirming that (1) it consents to the evidence of Ms Dorfman and Ms O'Callaghan referred to above remaining in the trial bundles for trial 1; (2) it does not seek to cross-examine Ms Dorfman or Ms O'Callaghan and does not require them to attend trial in these proceedings; and (3) it will not submit in these proceedings that the weight to be attached to the evidence of Ms Dorfman or Ms O'Callaghan should be reduced by reason of those witnesses not attending for cross-examination

IT IS ORDERED BY CONSENT THAT:

1. Foundem's AdWords Claim is withdrawn pursuant to Rule 44 of the CAT rules.
2. Foundem has permission to amend its Re-Re-Re-Re-Re-Amended Particulars of Claim in the form agreed with Google and annexed hereto. The Re-Re-Re-Re-Re-Re-Amended Particulars of Claim shall be served on Google within two working days from the date of this Consent Order.
3. Google has permission to make any consequential amendments to its Re-Re-Re-Re-Re-Re-Amended Defence, if so advised, and if so, shall serve its Re-Re-Re-Re-Re-Re-Re-Amended Defence within 7 days of the date of this Consent Order.
4. In the event that Google files an amended defence in accordance with paragraph 3 above, Foundem has permission to make consequential amendments to its Re-Re-Re-Re-Amended Reply in a form to be agreed with Google. Foundem shall provide a proposed draft of its Re-Re-Re-Re-Amended Reply to Google within 14 days of the date of this Order. In the event that the parties reach agreement on those proposed amendments, such further amended Reply shall be served on Google within 21 days of the date of this Order.
5. In the event that Foundem and Google cannot reach agreement on Foundem's proposed amendments to its Re-Re-Re-Amended Reply, such dispute shall be resolved, to the extent necessary, in trial 1.
6. There be no order as to costs in respect of the amendments in paragraphs 2, 3 and 4 above.
7. The parties bear their own costs in respect of Foundem's AdWords Claim.

Sir Peter Roth
Chair of the Competition Appeal Tribunal

Made: 21 May 2026
Drawn: 21 May 2026