



Neutral citation [2026] CAT 60

IN THE COMPETITION
APPEAL TRIBUNAL

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

BETWEEN:

JJH ENTERPRISES
(TRADING AS VALUELICENSING)

Claimant

- v -

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

Defendants

REASONED ORDER (EXTENDED STAY)

UPON the Claimant's application filed on 27 January 2025 under Rule 19(2)(t) of the Competition Appeal Tribunal Rules 2015 (the "**Tribunal Rules**"), that the Tribunal try certain issues in these proceedings as a preliminary issue trial (the "**PI Application**")

AND UPON the Defendants' application filed on 19 February 2025 in response to the PI Application which raised an issue regarding whether the Tribunal has jurisdiction over the Claim insofar as it raises disputed issues of copyright law (the "**Jurisdiction Application**")

AND UPON the Tribunal's Ruling dated 23 May 2025 ([2025] CAT 33) dismissing the Jurisdiction Application (the "**Jurisdiction Ruling**")

AND UPON the Tribunal's Judgment dated 12 November 2025 ([2025] CAT 75) following the preliminary issues trial held on 9-10 September 2025 (the "**PI Trial Judgment**")

AND UPON the Order of the Chair dated 6 February 2026 granting a stay of these proceedings for the appeal of the Jurisdiction Ruling and the PI Trial Judgment to the Court of Appeal (the "**Stay Order**") [2026] CAT 8

AND UPON the Judgment of the Court of Appeal dated 7 July 2026 ([2026] EWCA Civ 872) dismissing the appeals to the Jurisdiction Ruling and the PI Judgment (the “**CoA Judgment**”)

AND UPON the Defendants’ application filed on 7 July 2026 for an extension to the stay of proceedings pending determination of any appeals to the CoA Judgment (the “**Extended Stay Application**”)

AND UPON considering the Claimant’s response to the Extended Stay Application dated 8 July 2026 (the “**Response**”) and the Defendants’ reply dated 10 July 2026

IT IS ORDERED THAT:

1. The proceedings shall be stayed pending final determination of an application for permission to appeal the CoA Judgment to the Supreme Court (and in the event permission to appeal is granted determination of the appeal thereafter) save for the following matters which shall not be stayed:
 - (a) the Claimant’s disclosure application dated 22 January 2026 (as supplemented in a letter dated 5 February 2026); and
 - (b) the Claimant’s confidentiality application dated 29 January 2026.(together the “**Outstanding Applications**”).
2. There be liberty to apply.
3. Costs in the case.

REASONS:

1. On 6 February 2026 these proceedings were stayed pending determination of appeals of the Jurisdiction Ruling and the PI Trial Judgment to the Court of Appeal. In granting the Stay Order, the Tribunal had regard to the parties’ agreed position that a judgment on the first preliminary issue may be dispositive of the proceedings in their entirety, and that judgment on the second preliminary issue in favour of the Defendants may render the Claimant’s losses *de minimis*. It also had regard to the significant

workstreams associated with the liability trial and the considerable costs which may be incurred in relation to disclosure and the preparation of witness evidence.

2. The Defendants have indicated that they intend to apply for permission to appeal to the Supreme Court and have sought a further stay pending determination of that application and/or appeal. The Claimant objects to a stay but contends that if there is to be a stay it should be limited to matters other than the Outstanding Applications.
3. As yet it is unknown whether permission to appeal to the Supreme Court will be granted. It is necessary for me to balance the potential for a waste of costs in the event permission is granted and an appeal is successful, against the undesirability of delay in these proceedings. I intend to adopt a middle ground and order that these proceedings shall generally be stayed save that the Outstanding Applications may proceed. These steps are proportionate at this stage given that the Claimant has successfully prevailed before this Tribunal and the Court of Appeal.
4. The Claimant may make an application to lift this stay in whole or in part when it has further information relating to whether permission to appeal has been granted by the Court of Appeal and/or the Supreme Court or the timing of any applications relating thereto. Further I direct that the parties be at liberty to arrange a further case management conference in September 2026 to deal with any disputes relating to the Outstanding Applications at which the continuation of this stay and its scope may be addressed.

Justin Turner KC
Chair

Made: 21 July 2026
Drawn: 22 July 2026