



IN THE COMPETITION APPEAL TRIBUNAL

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

BETWEEN:-

**JJH ENTERPRISES LIMITED
(trading as VALUELICENSING)**

Claimant

- and -

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

Defendants

CONSENT ORDER

UPON the Claimant's disclosure application dated 22 January 2026 (as supplemented by its letter dated 5 February 2026, and the amended draft order provided to the Defendants on 23 July 2026) (the **"From SA Disclosure Application"**) and the Claimant's confidentiality application dated 29 January 2026 (the **"Confidentiality and Redactions Application"**) (together the **"Outstanding Applications"**)

AND UPON the Reasoned Order of the Chair dated 21 July 2026 ([2026] CAT 60) (the **"Reasoned Order"**) and the Tribunal's letter dated 31 July 2026 listing a case management conference on 14 September 2026 (the **"CMC"**)

AND UPON terms defined in the From SA Disclosure Application, the Amended Draft Order and the Orders made at CMC-3 (23 February 2024) and CMC-5 (2 April 2025) bearing the same meanings in this Order, and "SHS Presentation" meaning the document disclosed by the Defendants on 22 December 2025 entitled "Second-Hand Software Presentation" and dated June 2013

AND UPON the composite draft order appended to the Claimant's skeleton argument of 7 September 2026 (the **"Composite Draft Order"**)

AND UPON the Defendants having (a) provided disclosure pursuant to paragraphs 2(a) and 2(b) of the Composite Draft Order on 25 August 2026 and 1 September 2026 respectively, (b) explained in writing on 25 August 2026 the basis of the privilege redactions applied to the documents identified in Appendix B, and (c) provided disclosure pursuant to paragraph 3 of the Composite Draft Order on 9 September 2026, together with the Twenty-First Witness Statement of Mr Kenny Henderson

AND UPON the parties having agreed in correspondence the terms set out below, including that the CMC be vacated

BY CONSENT IT IS ORDERED THAT:

1. The confidentiality designations applied by the Defendants to the 11 documents identified in Appendix A to this Order are removed, and those documents shall no longer be treated as confidential in these proceedings.
2. In relation to documents of which the Defendants are aware, during the period between 1 January 2013 and the introduction of the New From SA Condition, which relate to:
 - (a) the Defendants' view regarding whether recipients of the From SA discount were able to sell their qualifying pre-owned licences; and
 - (b) whether an intended consequence of the From SA Programme was that customers would be unable to resell their underlying POLs,

the Defendants shall:

- (i) make reasonable endeavours to contact Mr Jean-Philippe Courtois, Mr Kevin Turner and Mr Joe Matz. Given that these individuals have left the Defendants' employment, the Defendants attempt to contact them based on last known contact details;
 - (ii) make reasonable endeavours to make reasonable enquiries of five persons selected by the Claimant by 4pm on 30 September 2026 from the list of individuals named at paragraph 10 of the Twenty First Witness Statement of Kenneth Henderson; and
 - (iii) make reasonable inquiries of the person or persons from whom the SHS Presentation was obtained.
3. The Defendants shall inform the Claimant in writing of the outcome of the inquiries at paragraph 2 above, identifying the individuals of whom inquiries were made, and shall disclose any documents identified as a result of those inquiries, by no later than 4pm on 30 November 2026.
4. Defendants shall disclose by no later than 4pm on 30 November 2026 any further documents they have identified relating to the same or similar matters addressed in the SHS Presentation, including documents relating to the creation of the presentation and its use, identified in the course of the investigation described in the Twenty-First Witness Statement of Mr Henderson. When completing the disclosure of those documents the Defendants will provide a disclosure statement verified by a statement of truth in respect of each tranche of such disclosure. The Defendants shall keep the Claimant informed as to the progress of that investigation at intervals of no more than 21 days following the disclosure given on 9 September 2026.
5. The Defendants shall by 4pm on 30 November 2026 provide disclosure by way of List of Documents in the relevant practice form together with a disclosure statement verified by a statement of truth and simultaneously electronic inspection of all documents responsive to searches of the mailboxes and SharePoint (or equivalent document repository) of Mr Randy Levitt, Mr Carlos Cruz, Mr Richard Chin, Mr Ryan Baker, Mr Jean-Philippe Courtois, Mr Kevin Turner, Mr Joe Matz and Ms Jane Gilson for the period

3 July 2012 to 1 June 2020, applying the following search terms on a non-case sensitive basis:

- (i) (“shs” OR “second hand” OR “second-hand” OR “used software” OR “used license OR “used licence” OR “used licences” OR “used licenses”) w/15 (“market” OR “supply” OR “revenue” OR “rev” OR “response” OR “exposure” OR “risk” OR “impact” OR “subscription” OR “OLS” OR “go dark” OR “volume” OR “antitrust” OR “anti-trust” OR “competition” OR “incentive” OR “enforcement” OR “mgx” OR “vendors” OR “resellers” OR “trade in” OR “trade-in” OR “exhaust” OR “exhausted” OR “exhaustion” OR “exhausts” OR “exhausting” OR “tipping point” OR “inventory” OR “inventories” OR “enforcement” OR “do nothing”)
 - (ii) “usedsoft” OR “valuelicensing” OR “valuelicensing.com” OR “valuelicencing” OR “valuelicencing.com” OR “value license” OR “unwin” OR “horley” OR “peter schneider” OR “preo” OR “relicensing” OR “relicense” OR “discount licensing” OR “discount licencing” OR “discount license” OR “discount lic”
6. Any claim to confidentiality made by the Defendants in respect of the disclosure provided under paragraphs 2 to 5 of this Order shall be made in accordance with Practice Direction 2/2026 and, in particular, shall (a) be made on a document-by-document basis; (b) be limited to the precise words, figures or passages said to be sensitive; and (c) be supported by specific reasons rather than general assertions. No blanket or default designation of such documents as “Restricted” or “Confidential” shall be applied.
7. The Defendants having explained in writing on 25 August 2026 the basis of the privilege redactions applied to the documents identified in Appendix B, the Claimant’s position as to the adequacy of that explanation and as to those redactions is reserved.
8. By 4pm on 31 October 2026 the Defendants shall file and serve a witness statement from Mr Kenny Henderson, verified by a statement of truth compliant with PD22, addressing:
- (a) the steps taken as part of the disclosure exercise undertaken at paragraphs 2 to 5 of this Order;
 - (b) when, where and by whom the SHS Presentation was first located for the purposes of these proceedings, including the specific repository (for example, particular SharePoint site, mailbox or other data source) and the date of retrieval;
 - (c) his role in overseeing and coordinating the Defendants’ investigations and disclosure exercises under PD57AD and the CMC-3 and CMC-5 Orders, including in relation to the identification and disclosure of Known Adverse Documents;
 - (d) why, on the investigations and searches described in his previous witness statements and in the Defendants’ Disclosure Statement(s), the SHS Presentation was not identified and disclosed at an earlier stage as a Known Adverse Document;
 - (e) the steps taken (and not taken) to ascertain whether documents such as the SHS Presentation existed within the repositories searched for the purposes of disclosure, and how those steps related to searches for documents concerning second-hand software, From SA, UsedSoft, exhaustion and the alleged Campaign;

- (f) any further steps now proposed by the Defendants to ensure that documents of this kind are identified and disclosed in accordance with PD57AD and the Tribunal's orders;
 - (g) who within the Defendants' organisation was aware of the SHS Presentation and when;
 - (h) when the Defendants' in-house legal function first became aware of the SHS Presentation;
 - (i) what steps were taken to check for Known Adverse Documents with Mr Jean-Philippe Courtois, Mr Kevin Turner and Mr Joe Matz (including any of them who have since left the Defendants' employment); and
 - (j) the decision-making within the Defendants' organisation upon the SHS Presentation being located.
9. The Claimant's application for an order that the Defendants file and serve a witness statement from Ms Cynthia Randall, Deputy General Counsel – Litigation, or from another appropriate officer of the Defendants, is adjourned with liberty to restore. The parties' positions on the merits of that application is reserved.
10. Costs:
- (a) the costs of the Outstanding Applications incurred up to and including 6 August 2026 shall be determined by the Tribunal on the papers. The Claimant shall file and serve written submissions and a statement of costs by 4pm on 25 September 2026; the Defendants shall file and serve written submissions in response by 4pm 14 days thereafter; and the Claimant may file and serve written submissions in reply by 4pm 7 days after that; the written submissions shall be limited to four pages in chief, four pages in response and two pages in reply.
 - (b) the costs of the Outstanding Applications incurred after 6 August 2026, including the costs of the parties' preparation for the CMC, shall be costs in the case if the CMC is vacated and, if not, to be determined on the papers on the same basis as set out at paragraph 10(a) above.
11. The CMC listed for 10.30am on 14 September 2026 is vacated.
12. For the avoidance of doubt, the stay ordered by paragraph 1 of the Reasoned Order continues to apply, save that it shall not prevent any step required or permitted by this Order, including compliance with paragraphs 2 to 8 and 10, the restoration and determination of the matters referred to at paragraph 9, and any application under paragraph 13.
13. The parties have liberty to apply.