



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1382/7/7/21

BETWEEN:

CONSUMERS' ASSOCIATION

Applicant/Proposed Class Representative

- v -

QUALCOMM INCORPORATED

Respondent/Proposed Defendant

ORDER

UPON the Applicant/Proposed Class Representative filing its Collective Proceedings Claim Form on 18 February 2021 applying for a Collective Proceedings Order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the “**Tribunal Rules**”) (the “**CPO Application**”)

AND UPON the Tribunal’s order made on 9 November 2021, as amended by the Tribunal’s order made by consent on 6 December 2021 (the “**Directions Order**”)

AND UPON reading the application by the Applicant/Proposed Class Representative, filed on 24 December 2021, pursuant to Rule 38 of the Tribunal Rules to amend the proposed class definition set out in the Collective Proceedings Claim Form to include the representatives of the estates of certain categories of deceased purchasers as members of the Proposed Class (the “**Amendment Application**”)

AND UPON reading the observations of the Respondent/Proposed Defendant, who raises no objections to the Amendment Application, in its response to the CPO Application filed on 22 December 2021

AND UPON reading the correspondence between the parties

IT IS ORDERED THAT:

Amendment of the Proposed Class

1. The Applicant/Proposed Class Representative shall be permitted, pursuant to Rule 38(1) and 38(4) to (7) of the Tribunal Rules, to amend the proposed class definition in paragraph 81 of its Collective Proceedings Claim Form, as set out in the Amendment Application, so as to add or substitute the representatives of the estates of certain consumers, who have died since the date of their purchase of the Affected Product during the Relevant Period (as defined in the Collective Proceedings Claim Form), as parties to these Proceedings.
2. The Applicant/Proposed Class Representative shall file and serve an amended Collective Proceedings Claim Form and an amended draft collective proceedings order within 7 days of this Order.
3. This amendment, as set out in the Amendment Application, shall take effect from 24 December 2021.

Updated publicity materials

4. Within 7 days following the date of this Order, the Applicant/Proposed Class Representative shall publicise an amended version of the CPO Application Hearing Notice that was publicised on 11 November 2021, which will:
 - (a) update the proposed class definition,
 - (b) state that this Order and the Amendment Application have been made and explain their effect, and
 - (c) state the right under Rule 76(10)(c) of the Tribunal Rules of additional or substituted members of the proposed class to object to the CPO Application and/or the authorisation of the Proposed Class Representative and the right under Rule 79(5) of the Tribunal Rules of additional or substituted members of the proposed class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application.

Objections by new parties to the CPO Application and applications for permission to make observations

5. Any person that is added or substituted as a member of the proposed class, pursuant to this Order, may object to the CPO Application or the authorisation of the Proposed Class Representative by writing to the Tribunal stating their reasons for objecting by 4pm on 4 weeks following the publication of the updated publicity materials. Any additional or substituted member of the proposed class may also seek permission to make oral observations at the CPO Application hearing, by making an application for such permission, with reasons, as part of his/her written objections.

Costs

6. The Applicant/Proposed Class Representative shall bear its costs of the Amendment Application.

Other

7. There be liberty to apply.

The Hon Mrs Justice Bacon
Chairwoman of the Competition Appeal Tribunal

Made: 5 January 2022
Drawn: 5 January 2022