



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1382/7/7/21

BETWEEN:

**CONSUMERS' ASSOCIATION**

Class Representative

- v -

**QUALCOMM INCORPORATED**

Defendant

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**ORDER**

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**UPON** the Order of the Chair made following the third case management conference in the Proceedings on 5 July 2023 in respect of the Defendant's disclosure, as amended by the Tribunal's Reasoned Order of 3 October 2023 and the Order of the Chair made on 17 November 2023 (the "**Third CMC Disclosure Order**")

**AND UPON** the Order of the Chair made following the fourth case management conference in the Proceedings on 9 and 10 January 2024 (the "**Fourth CMC Order**")

**AND UPON** reading a letter from Hausfeld & Co. LLP dated 29 February 2024 on behalf of the parties requesting amendments to the Third and Fourth CMC Disclosure Orders

**AND HAVING REGARD TO** the Tribunal's powers under the Competition Appeal Tribunal Rules 2015

**IT IS ORDERED BY CONSENT THAT:**

1. Paragraph 4 of the Third CMC Disclosure Order be amended to read as follows:
  - (i) "Qualcomm shall provide disclosure of any documents located as a result of the searches described in paragraph 1 above in the following tranches:

- (a) Save as described in (b) below, by no later than 4pm on 9 November 2023, Qualcomm shall disclose any documents located as a result of the searches described in paragraphs 1 (d), (e), (f), (g) and (h). Save as described in (b) below, Qualcomm shall also by 4pm on 9 November 2023 disclose any documents located from within the FTC Production Set as a result of searches described in paragraphs 1 (i) and (j).
- (b) To the extent that Qualcomm determines that any of the documents described in paragraph (a) above may be subject to U.S. government export control and/or U.S. economic sanctions laws, Qualcomm shall:
  - (i) determine by 1 December 2023 whether a U.S. export control licence is required in order to export these documents to the United Kingdom; and
  - (ii) disclose those documents within three working days of either: (A) Qualcomm's determination that no licence is required; or (B) any necessary licence being granted.
- (c) By no later than 4pm on 21 December 2023, Qualcomm shall disclose any further documents located from within the FTC Production Set as a result of the searches described in paragraph 1 above, and the documents located as a result of the search described in paragraph 1(b).
- (d) By no later than 4pm on 26 March 2024, Qualcomm shall disclose any other documents located as a result of the searches described in paragraphs 1(i) and (j).
- (e) By no later than 4pm on 29 March 2024, Qualcomm shall disclose any documents located as a result of all other searches described in paragraph 1 above."

2. Paragraph 17 of the Fourth CMC Order be amended to read as follows:

"The Defendant shall provide disclosure pursuant to paragraphs 13 and 15 above in the following tranches:

- (a) Subject to paragraph 18 below, the Defendant shall provide disclosure pursuant to paragraphs 13(a), (b), (f) and (g), and 15(c) above by 11 March 2024.
- (b) Subject to paragraph 18 below, the Defendant shall provide disclosure pursuant to paragraphs 13(d) above by 26 March 2024.
- (c) The Defendant shall provide disclosure pursuant to paragraphs 15(a)–(b) by 19 April 2024.”
3. The date by which the Class Representative is to set out all ‘matters of fact’ from any decisions or opinions of foreign proceedings that it intends to rely on at trial is amended to read 14 March 2024.
4. Appendix B to the Fourth CMC Order shall be replaced with the form set out in the Annex to this Order.
5. Costs in the case.
6. There be liberty to apply.

**The Hon Mrs Justice Bacon**  
Chair of the Competition Appeal Tribunal

Made: 1 March 2024  
Drawn: 1 March 2024

**ANNEX TO CONSENT ORDER**

**REVISED APPENDIX B TO THE FOURTH CMC ORDER**

**TRIAL TIMETABLE**

<b>Proposed Step in Proceedings</b>	<b>Date</b>
Parties to provide, in respect of technical and industry expert, an explanation of their background and their connection (if any) to either party	26 January 2024
Any objection by Class Representative or Qualcomm to the other party's technical or industry expert(s) on grounds related to their independence or expertise	9 February 2024
If a party wishes to appoint and instruct an alternative expert in competition economics, provision of (i) notice of its intention to appoint and instruct an alternative expert and of the identity of that alternative expert, and (ii) a short statement of the expert methodology which that alternative expert intends to adopt	29 February 2024
Class Representative to set out all 'matters of fact' from any decisions or opinions in foreign proceedings that it intends to rely on at trial	14 March 2024
Any objection by Class Representative or Defendant to the instruction of any alternative expert, on grounds related to their independence or expertise	14 March 2024
Qualcomm's disclosure to be completed	3G CDMA disclosure: 26 March 2024 Korean disclosure: 11 March 2024 5G chipset disclosure: 19 April 2024
Parties should notify each another of any hearsay evidence that they intend to rely upon at trial, such as trial transcripts, deposition transcripts, or witness statements (or equivalent) given in foreign proceedings, akin to the process for hearsay notices set out in CPR Part 33. The parties have liberty to apply to update the notice no later than three months prior to the trial date	1 July 2024

CMC5 with a provisional time estimate of two days, to consider: (a) any further or consequential disclosure applications; and (b) any other issues arising (paragraph 19 of Directions Order and letter of the Tribunal dated 9 November)	29–30 July 2024
Without prejudice meetings between the parties' technical and industry experts	By no later than 15 March 2024
Andrews and Williams technical reports	28 June 2024
Melin and Schneider industry reports	6 September 2024
Padilla leveraging analysis	6 September 2024
Ingers technical report	18 October 2024
Melin and Schneider reply reports	1 November 2024
WP meetings of technical and industry experts	Williams/Ingers: by 8 November 2024 Andrews/Ingers and Melin/Schneider by 15 November 2024
Statements of witnesses of fact	8 November 2024
Class Representative reply expert report in relation to Padilla leveraging analysis	6 December 2024
Joint statements of matters agreed and not agreed as between technical and industry experts	20 December 2024
Class Representative competition economics report	17 January 2025
Qualcomm competition economics report (including their positive case)	4 April 2025
Class Representative reply expert report	6 June 2025
Meetings of competition economics experts	By 4 July 2025
Supplemental witness statements of fact (to the extent necessary on completion of third party disclosure)	11 July 2025
Joint statement of matters agreed and not agreed as between competition economics experts	By 18 July 2025
Pre-trial review	29 or 30 July 2025
Skeleton arguments (exchange)	23 September 2025, 4pm
Tribunal pre-reading week	29 September – 3 October 2025
Trial Date	7 October 2025 (5 weeks maximum), sitting Tuesday to Friday each week; Mondays non-sitting days