



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1382/7/7/21

BETWEEN:

CONSUMERS' ASSOCIATION

Class Representative

- v -

QUALCOMM INCORPORATED

Defendant

ORDER

UPON the Order of the Chair made following the second case management conference in the Proceedings on 13 January 2023, as amended on 17 February 2023 and on 24 February 2023 (the “**Second CMC Order**”)

AND UPON considering a letter from the solicitors for the Defendant dated 3 March 2023 requesting on behalf of the parties amendments to the Second CMC Order and confirming that the parties have liaised with relevant third parties in relation to deadlines sought to be varied

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

IT IS ORDERED BY CONSENT THAT:

1. Paragraph 2 of the Second CMC Order is amended to read as follows:

“The Defendant has permission to file and serve an Amended Defence (including the agreed draft amendments in the form provided to the Class Representative on 6 December 2022) by 6 March 2023.”

2. Paragraph 5 of the Second CMC Order is amended to read as follows:

“The Class Representative has permission to file and serve an Amended Reply, if so advised, by 3 April 2023.”

3. The first sentence of paragraph 7 of the Second CMC Order is amended to read as follows:

“By no later than: (i) 24 February 2023 in relation to the documents described at (b), (c), (d), g(i) and h(i) below, and (ii) 3 March 2023 in relation to the documents described at (a), (e), (f), (g)(ii), (h)(ii) and (i) below, the Defendant shall give specific disclosure of the following documents to the Class Representative to the extent that they are within the Defendant’s control, save that where: (i) a Relevant Third Party has made an application pursuant to paragraph 12, or (ii) the parties have reached agreement that disclosure in respect of a Relevant Third Party shall be given pursuant to the terms of a revised Confidentiality Ring Order, disclosure in respect of that Relevant Third Party shall be given by the Defendant to the Class Representative by no later than seven days following the Tribunal’s final determination of the Relevant Third Party’s application or receipt of a revised Confidentiality Ring Order which has been sealed by the Tribunal (as applicable).”

4. Paragraph 12 of the Second CMC Order is amended to read as follows:

“Any Relevant Third Party that has given notice to the Class Representative and the Defendant in accordance with paragraph 11(a)(ii) may apply to the Tribunal to vary (to the extent necessary) this Order and/or the Confidentiality Ring Order with a view to protecting their Confidential Information. Such application(s) will be:

- (a) filed with the Tribunal Registry by 4pm on 3 March 2023;
- (b) served at the same time on the Class Representative and the Defendant;
- (c) accompanied by a reasoned explanation of the application to vary (to the extent necessary) this Order or the Confidentiality Ring Order together with any evidence relied on; and

(d) at the applicant's risk as to costs if the application is unsuccessful.”

5. Costs in the case.

6. There be liberty to apply.

The Hon Mrs Justice Bacon

Chair of the Competition Appeal Tribunal

Made: 7 March 2023

Drawn: 7 March 2023