



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1590/4/12/23

BETWEEN:

MICROSOFT CORPORATION

Applicant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

- and -

ACTIVISION BLIZZARD, INC.

Applicant to Intervene

ORDER

UPON the request by Activision Blizzard, Inc. (“**Activision**”) for permission to intervene in the application

AND UPON hearing Leading Counsel for the parties and for Activision at a case management conference held on 30 May 2023 (“**the CMC**”)

AND UPON the Tribunal’s separate order, made at the CMC and drawn up on 2 June 2023, abridging the time limit for requests for permission to intervene

IT IS ORDERED THAT:

ACTIVISION’S REQUEST FOR PERMISSION TO INTERVENE

1. Activision is granted permission to intervene, subject to paragraphs 2-3 below.

2. Activision shall file and serve its Statement of Intervention by no later than 4 pm on 7 June 2023. If practicable, the Statement shall indicate the additional arguments Activision intends to make in the body of the Applicant's Notice of Application.
3. The CMA shall be entitled to make representations at a further CMC ("**the Second CMC**") that Activision should not be permitted to rely on any part of the content of its Statement of Intervention served under paragraph 2 above.

THE EVIDENCE RELIED ON BY THE APPLICANT

4. The Applicant shall file and serve a statement complying with r.9(4)(h) of the Competition Appeal Tribunal Rules 2015 SI 2015/1658.
5. The Applicant shall as soon as possible file and serve a document indicating, in each case where the Notice of Application refers only to witness evidence filed by the Applicant in support of an allegation that the CMA failed to have regard to available evidence whether or not the Applicant is, in substance, referring to evidence that was before the Respondent at the time the decision under challenge was made; and if so, what evidence. Alternatively, this information shall be provided in the form of amendments to the Notice of Application.

LISTING OF THE SECOND CMC

6. The Second CMC shall be listed on 12 June 2023 with a time estimate of one day.

SUBSTANTIVE HEARING OF THE APPLICATION

7. The substantive hearing of the application shall be provisionally listed for a hearing in a window of two weeks beginning on 24 July 2023. The Tribunal will determine whether that provisional listing should be confirmed at the Second CMC.

OTHER MATTERS

8. Costs reserved.

9. Liberty to apply.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 30 May 2023

Drawn: 8 June 2023