



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

Case No: 1615/5/7/23

BETWEEN:

**UP AND RUNNING (UK) LIMITED**

Claimant

- v -

**DECKERS UK LIMITED**

Defendant

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**REASONED ORDER (QUARTERLY SALES)**

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**UPON** the Claimant's Application dated 10 July 2024 for disclosure of quarterly sales figures by the Defendant

**AND UPON** the Defendant's response to the Claimant's Application dated 11 July 2024

**AND UPON** reading the Updated Joint Expert Statement dated 10 July 2024

**IT IS ORDERED THAT:**

1. The Claimant's Application is refused.

## **REASONS:**

1. The Claimant has requested an order requiring the disclosure of quarterly sales figures by the Defendant. The Claimant suggests that quarterly sales figures will be used by its instructed expert to calculate turnover on a calendar year basis and for the purpose of calculating market shares and assessing the applicability of the De Minimis Notice in these proceedings.
2. The Defendant opposes disclosure of quarterly sales figures, including because it is not necessary for the purpose of calculating market share, which the experts have done using sales data already disclosed.
3. Ahead of trial, the parties' instructed experts have met to discuss the veracity of the sales data that has been disclosed. They have also prepared a joint expert statement setting out the areas of agreement and disagreement between them. The joint expert statement outlines significant areas of agreement. There is no suggestion in the joint expert statement that quarterly sales figures are necessary for the experts to conduct their analysis. Accordingly, I consider that the Application should be refused.
4. I also note that this Application was received by the Tribunal seven working days before the commencement of the trial in these proceedings, after the filing of evidence had closed, and after the trial bundle had been finalised. While that is not in itself a bar to such an application (noting also that the Claimant is not legally represented), it is a circumstance that has weighed against the granting of the application.

**Mr Ben Tidswell**

Chair of the Competition Appeal Tribunal

Made: 15 July 2024

Drawn: 15 July 2024