



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1382/7/7/21

BETWEEN:

CONSUMERS' ASSOCIATION

Class Representative

- v -

QUALCOMM INCORPORATED

Defendant

ORDER

UPON the Tribunal's Order made on 29 January 2024 following the fourth case management conference on 9 and 10 January 2024, setting directions for a timetable to the first trial in these proceedings included at Appendix B (the "**Fourth CMC Order**")

AND UPON the Order of the Tribunal made on 9 August 2024 following the fifth case management conference in the proceedings on 29 and 30 July 2024 amending the trial timetable in the Fourth CMC Order (the "**Fifth CMC Order**")

AND UPON reading a letter (and its enclosures) from Norton Rose Fulbright LLP dated 7 November 2024 requesting amendments to the Fifth CMC Order

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

IT IS ORDERED BY CONSENT THAT:

1. The date in Appendix B to the Fifth CMC Order by which the parties are to: (i) notify each other of any hearsay evidence they intend to rely upon at trial arising from any and all disclosure (including third party disclosure) provided prior to 18 September 2024, 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; and (ii) file and exchange statements of witnesses of fact, is amended to read 15 November 2024.

2. A revised Appendix B of the Fifth CMC Order which incorporates the above amendment is set out in the Annex to this Order.
3. Costs in the case.
4. There be liberty to apply.

Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 8 November 2024
Drawn: 8 November 2024

ANNEX

REVISED APPENDIX B TO FIFTH CMC ORDER

AMENDED TRIAL TIMETABLE

PROPOSED STEP IN PROCEEDINGS	DATE
WP meetings of technical and industry experts	Williams/Ingers: by 8 November 2024 Andrews/Ingers: by 15 November 2024
Class Representative to re-serve MOF Schedules	8 November 2024
Parties to notify each other of any hearsay evidence they intend to rely upon at trial arising from any and all disclosure (including third party disclosure) provided prior to 18 September 2024, 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	15 November 2024
Statements of witnesses of fact	15 November 2024
Joint statements of matters agreed and not agreed as between industry experts (50-60 pages)	9 December 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 experts (50 pages)	20 December 2024
Class Representative competition economics report	17 January 2025
Parties to serve reply witness statements of fact	14 March 2025

<p>Parties to also notify each other of any hearsay evidence they intend to rely on at trial in response to hearsay notices served by the other side on 8 November 2024</p> <p>Parties should notify each other of any hearsay evidence they intend to rely upon at trial arising from third party disclosure provided after 18 September 2024, 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</p>	14 March 2025
Qualcomm competition economics report (including their positive case)	4 April 2025
Class Representative reply expert report	6 June 2025
<p>Parties to notify each other of any hearsay evidence they intend to rely on at trial in response to hearsay notices served by the other side on 14 March 2025</p> <p>Parties to also serve supplemental witness statements of fact (arising out of hearsay notices served by the other side on 14 March 2025)</p>	13 June 2025
Meetings of competition economics experts	By 4 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