



IN THE COMPETITION
APPEAL TRIBUNAL

BETWEEN:

Case No: 1636/5/7/24 (T)

- (1) SKIMBIT LTD**
(2) CONNEXITY INC
(3) CONNEXITY EUROPE GMBH
(together, “Connexity”)

Claimants

- v -

- (1) GOOGLE UK LIMITED**
(2) GOOGLE IRELAND LIMITED
(3) GOOGLE LLC
(4) ALPHABET INC
(together, “Google”)

Defendants

ORDER (CONNEXITY DISCLOSURE)

UPON the Order of the Tribunal made on 26 March 2024 and drawn on 15 May 2024 (the “**Directions Order**”) giving directions for the joint case management of Case No: 1589/5/7/23 (T) (the “**Foundem Proceedings**”), Case No: 1424/5/7/21 (T) (the “**Kelkoo Proceedings**”), Case No: 1596/5/7/23 (the “**Ciao Proceedings**”), and Case No: 1636/5/7/24 (T) (the “**Connexity Proceedings**”) (the Foundem Proceedings, the Kelkoo Proceedings, the Ciao Proceedings and the Connexity Proceedings together the “**UK Shopping Proceedings**”)

AND UPON the Order of the Tribunal made on 26 March 2024 and drawn on 15 May 2024 (the “**Confidentiality Order**”) providing the terms on which disclosure is to be made in the UK Shopping Proceedings

AND UPON the First Witness Statement of Timothy Robert William Cowen filed on 25 October 2024 in support of Connexity's application for disclosure in the Connexity Proceedings

AND UPON the Sixth Witness Statement of Stephen Wisking filed on 7 November 2024

AND UPON a Case Management Conference taking place on 18 and 19 November 2024

AND UPON hearing counsel for each of Connexity and Google

IT IS ORDERED THAT:

A. DISCLOSURE BY THE DEFENDANTS

1. For the purposes of this Order, all capitalised terms shall have the meanings given to them by the terms of the Confidentiality Order unless stated otherwise.
2. Documents and/or data containing Confidential Information or Legal Eyes Only Confidential Information which are disclosed by the Defendants shall be disclosed pursuant to the terms of the Confidentiality Order.
3. All documents which are ordered to be disclosed by the terms of this Order shall be Common Disclosure unless a document is excluded from Common Disclosure in accordance with paragraph 13 of the Confidentiality Order.
4. In giving disclosure and inspection, Google shall be permitted to withhold from inspection any documents (or parts of documents) over which it is entitled to assert privilege.

Search traffic data

5. By 4 pm on 20 December 2024, Google shall produce a statement of (i) what search traffic data it holds by reference to (i) the categories set out in Part B of the Confidential Schedule to the Order of the Tribunal made on 19 November 2024 and drawn on 20 December 2024 for disclosure in the Kelkoo Proceedings and the Ciao Proceedings in respect of the following domains operated by Connexity, and (ii) the periods for which it holds such data:

- (a) prixmoinscher.com;
- (b) spardeingeld.de;
- (c) shopzilla.de;
- (d) shopzilla.fr;
- (e) bizrate.co.uk;
- (f) shopzilla.co.uk;
- (g) lowpriceshopper.co.uk;
- (h) bizrate.de;
- (i) bizrate.fr;
- (j) pricegrabber.co.uk; and
- (k) become.co.uk.

Penaltyserver data

6. By 4pm on 14 February 2025, Google shall search for, disclose, and produce for inspection, in respect of the proprietary tool referred to by Google as the “Penaltyserver”, Penaltyserver files (of the type disclosed in the Kelkoo and Foundem Proceedings) that mention one or more of the Connexity EU domains specified in paragraph 5 above for the periods between (i) 1 July 2005 and 31 December 2005 and (ii) 1 January 2008 to 31 August 2011.

Other disclosure to be given by Google

7. Google shall conduct a reasonable and proportionate search and identify by list those documents and/or data responsive to the categories and date ranges set out below, and disclose and give inspection to Connexity of those documents and/or data on a rolling basis with disclosure to be complete by 4pm on 21 March 2025.
- (a) The following documents:
 - (i) For the date range 1 July 2011 to 30 April 2014, relevant documents concerning the application of the Panda algorithm to Connexity’s EU domains (as listed in paragraph 5 above) as set out in the Schedule to this Order.

- (ii) For the date range 1 January 2011 to 31 May 2014, launch reports for each release of the Panda algorithm and updates to it, including the algorithms known as “Panda 4.0” and “Coati”.
 - (b) For the period from 1 January 2014 to 31 December 2017, all documents relating to the quality of results from Froogle, Google Product Search and/or Google Shopping created, sent or received by the members of Google’s “EMG” (defined for the purposes of this Order as Google’s Executive Management Group, and/or its successor bodies including, but not limited to, the Operating Committee) and/or by two appropriate individuals who were members of the team in charge of Google’s comparison shopping service.
8. The Defendants shall provide disclosure statements in respect of the disclosure outlined at paragraphs 5, 6 and 7 by the same date.

B. FURTHER MATTERS

- 9. Costs in the case.
- 10. There be liberty to apply.

The Honourable Mr Justice Roth
Acting President of the Competition Appeal Tribunal

Made: 20 December 2024
Drawn: 20 December 2024