

THURSDAY 21ST JANUARY 2010

IN THE COURT OF APPEAL order no 015288

ON APPEAL FROM THE COMPETITION APPEAL TRIBUNAL

1095 & 6/4/8/08

BEFORE LORD JUSTICE RIX
LORD JUSTICE LLOYD
And MR JUSTICE MACKAY

B E T W E E N

BRITISH SKY BROADCASTING GROUP PLC ("Sky")

APPELLANT

- and -

(1) VIRGIN MEDIA, INC ("Virgin Media")
(2) THE COMPETITION COMMISSION
(3) SECRETARY OF STATE FOR BUSINESS, ENTERPRISE AND
REGULATORY REFORM ("the Secretary of State")

RESPONDENTS

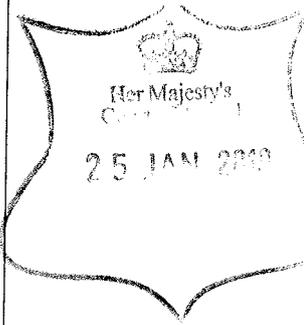
ON READING the Appellant's Notice sealed on the 18th December 2008 filed on behalf of the Appellant on appeal from the order the Competition Appeal Tribunal dated 29th September 2008 ("the Tribunals Order")

AND ON HEARING Council for the Parties

IT IS ORDERED that

1. Sky's appeal against paragraph 1 of the Tribunal's Order is dismissed, save as provided in paragraph 2 below.
2. The appeals of Sky, the Competition Commission and the Secretary of State against paragraph 2 of the Tribunal's Order are allowed.
3. The Competition Appeal Tribunal's order dated 22 June 2009 as to costs is varied as provided in paragraph 4 below.
4. Sky shall pay the Competition Commission and the Secretary of State their costs in the Court of Appeal and the Competition Appeal Tribunal, save as provided in paragraph 5 below
5. Virgin Media shall pay the Competition Commission and the Secretary of State their costs of their respective appeals to the Court of Appeal against paragraph 2 of the Tribunal's Order.
6. The costs payable under paragraphs 4 and 5 are to be the subject of detailed assessment if they are not agreed.
7. On Sky's application, permission to appeal to the Supreme Court is refused.

By the Court



COURT 69
Appeal No.

C1/2008/3066



**THURSDAY 21ST JANUARY 2010
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ON APPEAL FROM THE
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**BRITISH SKY BROADCASTING GROUP PLC
("Sky")**

- and -

**(1) VIRGIN MEDIA, INC ("Virgin Media")
(2) THE COMPETITION COMMISSION
(3) SECRETARY OF STATE FOR BUSINESS,
ENTERPRISE AND REGULATORY REFORM
("the Secretary of State")**

ORDER

Copies to:

**Competition Appeal Tribunal
Victoria House
Bloomsbury Place
London WC1A 2EB**

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Dx 73
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Ref: ABB/35499-00011**

**Messrs Ashurst Llp
Broadwalk House
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**Treasury Solicitor
Dx 123242
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Ref: PIERS DOGGART**

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* This order was drawn by Mr P Wilkins (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr P Wilkins, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 7381