



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1589/5/7/23 (T)

BETWEEN:

INFEDERATION LIMITED
(“Foundem”)

Claimant

- v -

(1) GOOGLE LLC
(2) GOOGLE IRELAND LIMITED
(3) GOOGLE UK LIMITED

Defendants
(the “Foundem Proceedings”)

AND BETWEEN:

Case No: 1424/5/7/21 (T)

(1) KELKOO.COM (UK) LIMITED
(2) KELKOO SAS
(3) JAMPLANT LIMITED
(4) KELKOO INTERNET S.L.
(5) KELKOO AS
(6) KELKOO SRL
(7) KELKOO NETHERLANDS BV
(8) KELKOO AB
(9) KELKOO DEUTSCHLAND GmbH
(10) KELKOO DANMARK A/S
(11) JOLT LIMITED
(together “Kelkoo”)

Claimants

- v -

- (1) GOOGLE UK LIMITED**
- (2) GOOGLE IRELAND LIMITED**
- (3) GOOGLE LLC**

Defendants
(the “**Kelkoo Proceedings**”)

AND BETWEEN:

Case No: 1596/5/7/23

- (1) WHITEWATER CAPITAL LIMITED**
(“**WWC**”)

Claimant

- v -

- (1) GOOGLE LLC**
- (2) ALPHABET INC**

Defendants
(the “**Ciao Proceedings**”)

AND BETWEEN:

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

- (1) SKIMBIT LIMITED**
- (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**

Defendants
(the “**Connexity Proceedings**”)

The Foundem Proceedings, the Kelkoo Proceedings, the Ciao Proceedings and the Connexity Proceedings together the “**UK Shopping Proceedings**”

ORDER

UPON the Order of Mr Justice Roth dated 16 May 2023 providing for the admission of Shivaun Edwina Raff and Matthew Adam Raff (“**Foundem’s Directors**”) to the Legal Eyes Confidentiality Club in the Foundem Proceedings (as established in the Order of Mr Justice Roth dated 26 September 2013 in the Foundem Proceedings) including directions on the terms of their access to relevant information, including restrictions on their access to certain information (the “**Foundem Legal Eyes Admission Order**”)

AND UPON the Confidentiality Order of Mr Justice Roth dated 15 May 2024 made in the UK Shopping Proceedings which restated and extended all pre-existing confidentiality orders in the UK Shopping Proceedings, established one confidentiality ring between all the Parties to the UK Shopping Proceedings and whereby Foundem’s Directors were included in the Legal Eyes Only Confidentiality Club subject to the restrictions on access to Legal Eyes Only Confidential Information in the Foundem Proceedings set out in the Foundem Legal Eyes Admission Order

AND UPON the parties having agreed to the terms of this order

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

IT IS ORDERED BY CONSENT THAT:

1. Paragraph 2 of the Foundem Legal Eyes Admission Order shall be amended as follows:
 - (i) The following text shall be added as a new sub paragraph 2(d): “*via email communications between a single email address operated by them and any solicitor or counsel who is a member of the Legal Eyes Only Confidentiality Club.*”
 - (ii) The words “*and / or*” shall be removed from the end of paragraph 2(b) and added to the end of paragraph 2(c).
2. Paragraph 3(b) of the Foundem Legal Eyes Admission Order shall be amended as follows:

“*in the manner described in paragraphs 2(b)-(d), above.*”
3. Paragraph 4 of the Foundem Legal Eyes Admission Order shall be amended as follows:

“*Electronic documents shared pursuant to paragraph 2(d) or 3 above shall be saved by Foundem’s Directors (if at all) in a password protected folder or on Foundem’s email server or local email repositories necessary for Foundem’s Directors to access their emails, shall not be printed and, except for emails/documents held by Foundem on their email server or local email repositories, shall be permanently deleted as soon as reasonably practicable (for example, after a final version of the relevant document has*

been produced).”

4. There be liberty to apply.

The Honourable Mr Justice Roth

Acting President of the Competition Appeal Tribunal

Made: 22 April 2025

Drawn: 22 April 2025