



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

Case No: 1403/7/7/21

BETWEEN:

**DR RACHAEL KENT**

Class Representative

- v -

**(1) APPLE INC.**  
**(2) APPLE DISTRIBUTION INTERNATIONAL LTD**

Defendants

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**ORDER**

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**UPON** the Order of the Chair made on 23 October 2023 amending the confidentiality ring in these proceedings (the “**Amended Confidentiality Ring Order**”)

**UPON** the Class Representative having permission to rely on the evidence of an expert witness in the field of IT and/or mobile and/or internet security and having appointed an expert for that purpose (the “**Security Expert**”)

**UPON** the Defendants having non-disclosure obligations to third parties in the U.S. Epic Proceedings (as defined in the Defendants’ Amended Disclosure Report dated 6 March 2023) in respect of three documents identified in the Annex to this Order by an asterisk (\*) (the “**Third Party Documents**”)

**UPON** the Class Representative’s application by letter to the Tribunal dated 9 April 2024 in respect of the disclosure of certain security-related documents (the “**Application**”)

**UPON** the letter from the Defendants’ solicitors dated 10 April 2024 in response to the Application

**AND UPON** the directions set out in the Tribunal's letter to the parties dated 16 April 2024 having considered the Application

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

**IT IS ORDERED THAT:**

1. The Class Representative's solicitors shall:
  - (a) Explain to the Security Expert in writing: (i) his obligations under the Amended Confidentiality Ring Order, and (ii) the potential sanctions he might face in the event of a breach by him of those obligations.
  - (b) Obtain the Security Expert's written confirmation that he understands: (i) his obligations under the Amended Confidentiality Ring Order; and (ii) the potential sanctions he might face in the event of a breach by him of those obligations, as explained to him.
  - (c) Confirm to the Tribunal and the Defendants that the steps outlined in paragraphs 1(a) and 1(b) above have been completed and provide copies of the relevant correspondence to that effect.
2. The Defendants shall:
  - (a) Within two working days of the step outlined in paragraph 1(c) being completed, provide disclosure and inspection of the documents specified in the Annex to this Order (save for the Third Party Documents).
  - (b) Within one working day of obtaining consent to the disclosure of the Third Party Documents from the relevant third parties, and subject to the step outlined in paragraph 1(c) being completed, provide disclosure and inspection of the Third Party Documents.
3. Costs in the case.
4. There be liberty to apply.

**Ben Tidswell**  
Chair of the Competition Appeal Tribunal

Made: 22 April 2024  
Drawn: 22 April 2024