



REGISTERED AT THE COMPETITION
APPEAL TRIBUNAL
UNDER NUMBER: 20389
DATE: 16/04/24

IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1408/7/7/21

BETWEEN:

ELIZABETH HELEN COLL

Class Representative

- v -

(1) ALPHABET INC.
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE COMMERCE LIMITED
(5) GOOGLE PAYMENT LIMITED

Defendants

(together “**Google**”)

ORDER

UPON the Class Representative’s applications of 15 February 2024 (the “**Applications**”)

AND UPON hearing counsel for the Class Representative and leading counsel for the Defendants at the case management conference on 1 March 2024 (the “**Fourth CMC**”)

IT IS ORDERED THAT:

Pleadings and class definition

1. The Class Representative has permission to re-amend the Amended Claim Form in the form enclosed with the Application.
- 1a. Paragraph 6(i) of the Collective Proceedings Order of 9 September 2022 is varied as

follows:

“**Relevant Period**” means the period between 1 October 2015 and 1 March 2024.

- 1b. The Notice of Amended Class Definition is approved.
- 1c. The Class Representative shall publish the Notice of Amended Class Definition to the claim website (<https://www.appstoreclaims.co.uk/Google>) and shall also provide a copy to those class members who have registered for updates on the claim.

Disclosure

2. The Defendants shall provide disclosure and inspection of:
 - 2.1. Data concerning the costs incurred by the Defendants (or any of them) in the development and maintenance of the Play Store/Google Play since its creation to the extent available.
 - 2.2. Alphabet’s Weighted Average Cost of Capital for each year of the Relevant Period (as defined in the Amended Claim Form).

by **4pm on 15 March 2024**;
 - 2.3. The (i) “*Platforms & Ecosystems quarterly controller review*”; (ii) “*Quarterly CFO Report to Board of Directors*”; and (iii) “*P&E Period End close*” for the dates referenced at paragraph 13(a)-(c) of the Class Representative’s letter to Google dated 2 February 2024, to the extent they exist, by **4pm on 15 March 2024** to the extent such documents are available to be disclosed by that date; and, to the extent there is a remaining balance of any such documents, on a rolling basis when they become available, and in any event by **15 April 2024**.
 - 2.4. The documents identified in Annex A of the Class Representative’s letter of 30 January 2024 (insofar as such documents have not already been disclosed in these proceedings) subject to the exceptions set out at paragraph 32(a)-(c) of Christopher Duncan Ross’ Witness Statement dated 22 February 2024, by **4pm on 15 March 2024**.
3. By **4pm on 15 April 2024**, the Defendants shall provide disclosure of the internal

project name / acronym documents contained in the Annex to, and by reference to paragraph 2(a) of, the Class Representative's letter to the Defendants dated 13 February 2024.

Further information

4. By **4pm** on **15 March 2024** the Defendants shall provide worked examples showing how the financial information provided by Google can be used by Mr Dudney to: (1) identify the corporate overheads which are unallocated in the Defendants' general ledger and/ or management reporting packs for Google Play; (2) identify "natural accounts" for Google Play that contain allocated costs; and (3) inform the aggregation of Google Play's general ledger accounts into the Google Play P&L.
5. By **4pm** on **15 March 2024**, the Defendants shall answer the question at paragraph 5 of the Class Representative's letter of 26 February 2024. By **4pm** on **15 April 2024**, the Defendants shall provide the following information to the CR: the number of devices distributed in the United Kingdom by OEMs who are (or were) party to (i) a Google Search European License Agreement and (ii) an EMADA and which had pre-installed on them the Google Search app but not the Play Store; the number of devices distributed in the United Kingdom by those OEMs which had pre-installed on them both the Google Search app and the Play Store; confirmation of the proportion of devices subject to a device-based Revenue Share Agreement ("RSA") which are relevant to the United Kingdom for the period encompassed by the Relevant Period and provide details of the relevant device-based RSA; and confirmation of whether this coverage is different to that set out in the CMA's Mobile Ecosystems market study.
6. By **4pm** on **15 March 2024**, the Defendants shall provide to the Class Representative confirmation of the number of documents responsive to the terms contained in the Annex, with reference to 2(b)-(c), of the Class Representative's letter to the Defendants dated 13 February 2024.

Costs and liberty to apply

7. The Class Representative shall pay the Defendants' costs of and occasioned by any consequential amendments pursuant to paragraph 1 of this order. Otherwise, costs in the case.

8. There be liberty to apply.

Bridget Lucas KC

Bridget Lucas KC
Chair of the Competition Appeal Tribunal

Made: 1 March 2024
Drawn: 16 April 2024