

COMPETITION TRIBUNAL
TRIBUNAL DE LA CONCURRENCE

FILED / PRODUIT

Date: November 27, 2025
CT- 2025-006

Sarah Sharp-Smith for / pour
REGISTRAR / REGISTRARIE

OTTAWA, ONT.

#1

Court File No.: _____

COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34 (the "Act");

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 75 of the Act.

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 76 of the Act.

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 77 of the Act.

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 79 of the Act.

BETWEEN:

8X LABS INC.

Applicant

- and -

VISTAR MEDIA INC.

Respondent

NOTICE OF APPLICATION FOR LEAVE

(Pursuant to section 103.1 of the *Competition Act*)

LCM ATTORNEYS INC.

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Lawyers for the Applicant 8X Labs Inc.

TO: **The Registrar of Competition**
90 Sparks Street, Suite 600
Ottawa, ON K1P 5B4
Tel: 613-957-7851
Fax: 613-952-1123

AND TO: **Matthew Boswell**
Commissioner of Competition
Competition Bureau Legal Services
50 Victoria Street
Gatineau, QC K1A 0C9
Tel: 819-997-4282
Fax: 819-997-0324

AND TO: **Vistar Media, Inc. – Toronto (Canada)**
18 King Street East
Suite 1210
Toronto, ON M5C 1C4

TAKE NOTICE THAT:

The Applicant will make an application to the Competition Tribunal (the "**Tribunal**") pursuant to Section 103.1 of the *Competition Act* (Canada) (the "**Act**") seeking leave to bring an application for:

- a) an order pursuant to subsections 75(1) and 75(1.2) of the Act:
 - i. requiring the Respondent to accept the Applicant and any of its affiliates as a customer of the Respondent's supply side platform for programmatic ad serving on the terms that the Tribunal considers appropriate; and
 - ii. requiring the Respondent to pay an amount, not exceeding the value of the benefit derived from its refusal to deal with the Applicant, to be distributed among the Applicant and any other person affected by the conduct, in any manner that the Tribunal considers appropriate;
- b) an order pursuant to subsections 76(2) and 76(11.1) of the Act, if an order has not been made against the Respondent under Section 79 of the Act:
 - i. requiring the Respondent to accept the Applicant and any of its affiliates as a customer of the Respondent's supply side platform for programmatic ad serving within 15 days of the Tribunal's order, on usual terms;
 - ii. prohibiting the Respondent from continuing to engage in restrictive and discriminatory price maintenance related practices against the Applicant;
 - iii. requiring the Respondent to pay an amount, not exceeding the value of the benefit derived from its restrictive price maintenance related conducts, to be distributed among the Applicant and any other person affected by the conduct, in any manner that the Tribunal considers appropriate;
- c) an order pursuant to subsections 77(2) and 77(3.1) of the Act:

- i. prohibiting the Respondent from continuing to engage in tied selling with respect to its CMS ad server and ad exchange products and containing any other requirement that, in the opinion of the Tribunal, is necessary to overcome the effects thereof in the market or to restore or stimulate competition in the market;
- ii. requiring the Respondent to pay an amount, not exceeding the value of the benefit derived from its conduct of tied selling, to be distributed among the Applicant and any other person affected by the conduct, in any manner that the Tribunal considers appropriate;

d) an order pursuant to subsections 79(1), 79(2), 79(3.1) and 79(4.1) of the Act:

- i. prohibiting the Respondent from continuing to engage in the anti-competitive practice described herein and from engaging in any other practices with the same purpose and effect in Canada; and
- ii. alternatively or additionally, requiring the Respondent to divest the Respondent's publisher CMS ad server, namely Vistar Cortex, from Vistar's ad exchange, namely its sell-side platform and demand-side platform, along with any additional structural relief as needed to restore competition and overcome the effects of the Respondent's anti-competitive practice in Canada;
- iii. directing the Respondent to pay an administrative monetary penalty not exceeding the greater of (i) \$25 million dollars, (ii) three times the value of the benefit derived from the Respondent's anti-competitive practice, or if that amount cannot be reasonably determined, (iii) 3% of the Respondent's annual worldwide gross revenues;
- iv. requiring the Respondent to pay an amount, not exceeding the value of the benefit derived from its conduct of abuse of dominant position, to be distributed among the Applicant and any other person affected by the conduct, in any manner that the Tribunal considers appropriate;

- e) an order directing the Respondent to pay costs; and
- f) such further and other relief as the Applicant may request and the Tribunal may consider appropriate.

Dated at Montreal this 27th day of November, 2025

LCM Attorneys Inc.

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Lawyers for the Applicant, 8X Labs Inc.

Court File No.: _____

COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.C.S. 1985, c. 34 (the "Act")

AND IN THE MATTER OF an application by 8X Labs Inc. for an order pursuant to Section 103.1 of the Act granting leave to bring an application under Sections 75, 76, 77 and 79 of the Act;

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 75 of the Act;

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 76 of the Act;

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 77 of the Act;

AND IN THE MATTER OF an application by 8X Labs Inc. for one or more orders pursuant to section 79 of the Act;

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