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August 12, 2005

**VIA FEDERAL EXPRESS**

The Honorable J. Frederick Motz  
United States District Judge  
United States District Court for the District of Maryland  
U.S. Courthouse – Room 510  
101 West Lombard Street  
Baltimore, MD 21201

Re: In re Microsoft Corp. Antitrust Litigation, MDL 1332

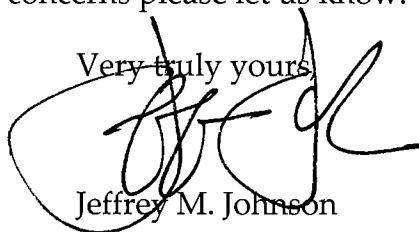
Dear Judge Motz:

We write with respect to *Novell, Inc. v. Microsoft Corp.*, Civil Action No. JFM-05-1087, to restate with more precision our position with regard to the issue of immediate appeals discussed during the monthly status conference call of Wednesday, August 3, 2005. We continue to believe that certification of Microsoft's interlocutory appeal is not justified, for all the reasons set forth in Novell's opposition memorandum dated July 12, 2005; however, assuming this Court grants Microsoft's motion for certification, Novell will seek an immediate appeal under Federal Rule of Civil Procedure 54(b), if, *but only if*, the Fourth Circuit grants Microsoft's petition for permission to appeal.

We respectfully request that Your Honor not enter such an order regarding Novell's appeal at this time. If the Fourth Circuit does grant Microsoft's petition, then Novell will immediately and respectfully request this Court to make the necessary finding concerning Novell's appeal under Rule 54(b).

If you have any questions or concerns please let us know.

Very truly yours,



Jeffrey M. Johnson

cc: David B. Tulchin, Esq. (by First class and electronic mail)  
Steven L. Holley, Esq. (by First class and electronic mail)