

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION

This Document Relates to:
Novell, Inc. v. Microsoft Corporation,
Civil Action No. JFM-05-1087

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) MDL Docket No. 1332
) Hon. J. Frederick Motz
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**[PROPOSED] ORDER GRANTING
NOVELL'S RENEWED MOTION FOR SUMMARY JUDGMENT
ON MICROSOFT'S AFFIRMATIVE DEFENSES**

THIS MATTER having come before this Court on Plaintiff Novell, Inc.'s Renewed Motion for Summary Judgment on Microsoft's Affirmative Defenses, and the Court having reviewed the submissions of counsel and the record, it is hereby

ORDERED, that Plaintiff's Motion is GRANTED. Microsoft's Affirmative Defenses Nos. 4 (estoppel), 5 (waiver), 12 (accord and satisfaction), 13 (res judicata), and 14 (collateral estoppel), along with Microsoft's real-party-in-interest defense, are stricken with prejudice.

Date:

J. Frederick Motz
United States District Judge