

**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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**NOVELL'S RENEWED MOTION FOR
SUMMARY JUDGMENT ON MICROSOFT'S AFFIRMATIVE DEFENSES**

Plaintiff Novell, Inc. moves for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on Defendant Microsoft Corporation's Affirmative Defenses Nos. 4 (estoppel), 5 (waiver), 12 (accord and satisfaction), 13 (res judicata), and 14 (collateral estoppel), along with the real-party-in-interest defense that Microsoft did not plead, but previously raised in an unsuccessful motion to dismiss. Novell sets forth the grounds for this Motion in the accompanying Memorandum of Law.

Dated: October 7, 2009

Respectfully submitted,

By: _____ /s/

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