

DICKSTEINSHAPIRO_{LLP}

1825 Eye Street NW | Washington, DC 20006-5403
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com

June 25, 2009

VIA FEDERAL EXPRESS & ELECTRONIC FILING

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: Novell, Inc. v. Microsoft Corp., Civil Action No. JFM 05-1087, MDL No. 1332

Dear Judge Motz:

Thank you for agreeing to advance the argument date for summary judgment motions to January 22, 2010 in the above-referenced matter. Steve Holley and I have discussed the schedule deadlines leading up to those arguments and have agreed that only one adjustment and one additional deadline are needed at the present time.

First, we propose moving the date for the submission of the parties' status report from August 21, 2009 to September 4, 2009. This will allow for a bit more time to complete expert discovery in August, which we think will be necessary given summer vacations of experts.

Second, the Court may recall that Novell previously moved for summary judgment with respect to certain affirmative defenses advanced by Microsoft. That motion was denied without prejudice to being renewed after the completion of discovery on the issues. As both parties intend to seek summary judgment on those affirmative defenses, and pursuant to Local Rule 105.2.c, Novell will file the initial motion, followed by Microsoft's cross-motion/opposition, Novell's opposition/reply, and Microsoft's reply. As to Microsoft's final reply, the parties have agreed to a deadline date of January 3, 2010.

DICKSTEINSHAPIRO LLP

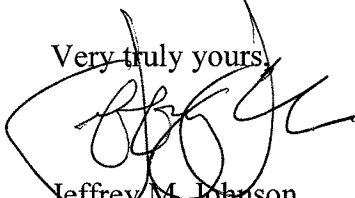
The Honorable J. Frederick Motz

June 25, 2009

Page 2

Please let us know if this meets with your approval.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JM Johnson', is written over the text 'Very truly yours,'.

Jeffrey M. Johnson

(202) 420-4726 direct dial

(202) 379-9312 direct fax

johnsonj@dicksteinshapiro.com

JMJ/njc

cc: Steven L. Holley, Esq.