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DISTRICT COURT OF UTAH

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*Attorneys for Defendant Microsoft Corporation*

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

<p>CALDERA, INC.,</p> <p>Plaintiff,</p> <p>Vs.</p> <p>MICROSOFT CORPORATION,</p> <p>Defendant.</p>	<p>No. 2:96 CV 0645B</p> <p>Judge Dee V. Benson Magistrate Judge Ronald N. Boyce</p> <p>STIPULATION AND ORDER</p>
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1. On March 27, 1997, the Court executed a Protective Order relating to document discovery.
2. Under Paragraph 8 of the Protective Order, discovery material designated "Highly Confidential" may be shown to a limited number of people.
3. Apple Computers, Inc. has reviewed the provisions of Paragraph 8 and has deemed that certain material should be more restrictively classified.
4. Pursuant to the terms of the Protective Order, documents produced by Apple and marked "Highly Confidential" will be disseminated more restrictively and in the following manner:

**Discovery Material Designated "Highly Confidential"**

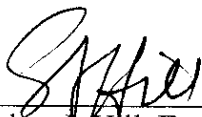
8. Except with the prior consent of the producing party or upon prior order of the Court, discovery material designated "Highly Confidential" by Apple Computers, Inc. pursuant to ¶ 4 above shall not be disclosed directly or indirectly by the person receiving such material to persons other than (i) persons who already have seen or received such "Highly Confidential" material (to the extent a document marked "Highly Confidential" only partially constitutes or reflects communications with the person or was only seen or received in part by the person, the document may be shown to the person after being redacted to prevent disclosure of any other Highly Confidential Material), provided that the requirements of ¶ 10 below have been met and (ii) the following persons, as to whom disclosure shall be limited to the extent reasonably necessary for the prosecution, defense, and/or appeal of this action.

- a) The Court, persons employed by the Court, and stenographers transcribing the testimony or argument at a hearing, trial, or deposition in this action or any appeal therefrom.
- b) Counsel for the parties in this action, whether or not counsel of record, including in-house counsel, associates, legal assistants, paralegals, secretarial and clerical employees, and outside services (including, without limitation, copy services, litigation consulting services, and graphics services) who are assisting counsel in the prosecution defense, and/or appeal of this action. For purposes of this Order, in-house counsel for Microsoft shall be limited to in-house counsel dedicated exclusively to litigation related activities and shall include Tom Burt, Steve Aeschbacher and paralegals and staff working with them. The preceding sentence does not apply to Caldera, who has no in-house counsel.

c) Independent experts and consultants retained or employed by counsel in connection with the prosecution, defense, and/or appeal of this action, including their secretarial and clerical employees who are assisting in the prosecution, defense, and/or their employees who are assisting in the prosecution, defense, and/or appeal of this action, provided that the requirements of ¶ 11 below have been met.

DATED this \_\_\_\_\_ day of October, 1998.

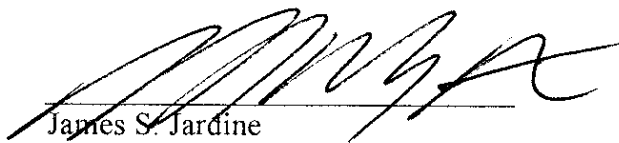
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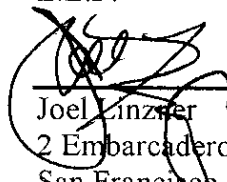
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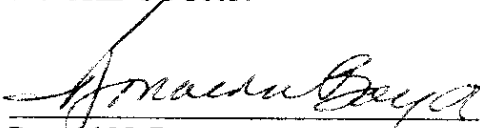


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Attorneys for Apple Computers, Inc.

SO ORDERED THIS 26<sup>th</sup> DAY OF OCTOBER, 1998.

BY THE COURT:



Ronald N. Boyce  
U. S. Magistrate Judge

kam

United States District Court  
for the  
District of Utah  
October 27, 1998

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 2:96-cv-00645

True and correct copies of the attached were mailed by the clerk to the following:

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