

RECEIVED RECEIVED CLERK
DEC 07 1998
U.S. MAGISTRATE
DEC - 1 1998

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION U.S. DISTRICT COURT

CALDERA, INC.,
Plaintiff,
vs.
MICROSOFT CORPORATION,
Defendant.

STIPULATED ORDER AMONG CALDERA,
INC., MICROSOFT CORPORATION, AND
INTERNATIONAL BUSINESS MACHINES
CORPORATION CONCERNING
PRODUCTION OF SOURCE CODE IN
RESPONSE TO SUBPOENA
No. 2:96 CV 0645B
Judge Dee V. Benson
Magistrate Judge Ronald N. Boyce

WHEREAS, pursuant to the requirements of a subpoena issued to International Business Machines Corporation ("IBM") by Caldera, Inc. ("Caldera"), dated September 14, 1998 (the "Caldera Subpoena"), IBM has produced and intends to produce to Caldera certain source code created by Microsoft Corporation ("Microsoft");

WHEREAS, Paragraph 3 of the Court's Order of August 14, 1998, provides certain protections to source code produced to Caldera by Microsoft pursuant to that Order, in addition to the protections provided by the Protective Order of March 27, 1997, presently in effect in this action; and


WHEREAS, the parties hereto desire that any Microsoft source code produced by IBM in response to the Caldera Subpoena be treated and receive the same additional protections as source code subject to the Court's Order of August 14, 1998, as though produced by Microsoft itself;

333

NOW THEREFORE, it is hereby stipulated, agreed, and ordered as follows:

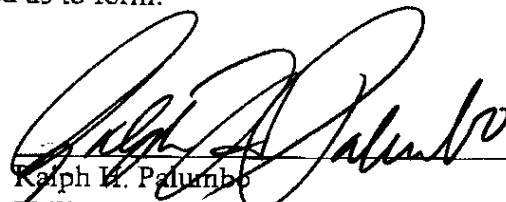
1. Any source code produced to Caldera by IBM in response to the Caldera Subpoena, including but not limited to source code for Microsoft's MS-DOS 1.01, for the beta version of Microsoft's Windows 3.10, and for Microsoft's Windows 3.11, shall be treated and receive the same protections as source code produced by Microsoft pursuant to the Court's Order of August 14, 1998.

Respectfully submitted, stipulated, and approved as to form:



 James S. Jardine (A1647)
 RAY, QUINNEY & NEBEKER
 Deseret Building, Suite 400
 79 South Main Street
 Salt Lake City, Utah 84111
 (801) 532-1500

*Attorneys for Defendant
Microsoft Corporation*

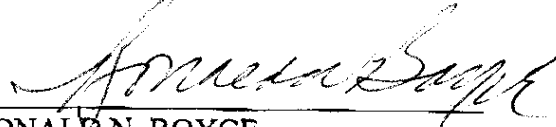


 Ralph E. Palumbo
 Philip S. McCune
 SUMMIT LAW GROUP
 1505 Westlake Avenue, Suite 300
 Seattle, Washington 98109
 (206) 281-9881

*Attorneys for Plaintiff
Caldera, Inc.*

Dated this 7th day of December, 1998.

SO ORDERED BY THE COURT



 RONALD N. BOYCE
 United States Magistrate Judge

klh

United States District Court
for the
District of Utah
December 9, 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:

Mr. Max D Wheeler, Esq.
SNOW CHRISTENSEN & MARTINEAU
10 EXCHANGE PLACE
PO BOX 45000
SALT LAKE CITY, UT 84145-5000
JFAX 9,3630400

Stephen D. Susman, Esq.
SUSMAN GODFREY LLP
1000 LOUISIANA STE 5100
HOUSTON, TX 77002-5096

Charles R. Eskridge III, Esq.
SUSMAN GODFREY LLP
1000 LOUISIANA STE 5100
HOUSTON, TX 77002-5096
FAX 8,713,6543357

Ralph H. Palumbo, Esq.
SUMMIT LAW GROUP
1505 WESTLAKE AVE STE 300
SEATTLE, WA 98109

Parker C. Folse III, Esq.
SUSMAN GODFREY LLP
1201 THIRD AVE STE 3090
SEATTLE, WA 98101

James S. Jardine, Esq.
RAY QUINNEY & NEBEKER
79 S MAIN ST
PO BOX 45385
SALT LAKE CITY, UT 84145-0385
JFAX 9,5327543

Richard J. Urowsky, Esq.
SULLIVAN & CROMWELL
125 BROAD ST
NEW YORK, NY 10004

William H. Neukom, Esq.
MICROSOFT CORPORATION
BLDG 8S/2078
ONE MICROSOFT WAY
REDMOND, WA 98052

James R. Weiss, Esq.
PRESTON GATES ELLIS & ROUVELAS MEEDS
1735 NEW YORK AVE NW
WASHINGTON, DC 20006

Michael H. Steinberg, Esq.
SULLIVAN & CROMWELL
1888 CENTURY PARK EAST
LOS ANGELES, CA 90067

Jim F Lundberg, Esq.
NOVELL INC
A270
1555 N TECHNOLOGY
OREM, UT 84057
FAX 8,801,2287077

Mr. Thomas R Karrenberg, Esq.
ANDERSON & KARRENBERG
50 W BROADWAY STE 700
SALT LAKE CITY, UT 84101
JFAX 9,3647697