

FILED  
-3 MAY 03 11:42  
DISTRICT OF UTAH  
DEPUTY CLERK  
SK

FILED  
MAY 03 1999  
CLERK

Richard J. Urowsky  
Richard H. Klapper  
Steven L. Holley  
Richard C. Pepperman, II BY: SK  
Jay Holtmeier  
SULLIVAN & CROMWELL  
125 Broad Street  
New York, New York 10004  
(212) 558-4000

William H. Neukom  
Thomas W. Burt  
David A. Heiner, Jr.  
Steven J. Aeschbacher (A4527)  
MICROSOFT CORPORATION  
One Microsoft Way  
Redmond, Washington 98052  
(425) 882-8080

Michael H. Steinberg  
SULLIVAN & CROMWELL  
1888 Century Park East  
Los Angeles, California 90067  
(310) 712-6600

James R. Weiss  
PRESTON GATES ELLIS &  
ROUVELAS MEEDS  
1735 New York Avenue, N.W.  
Washington, D.C. 20006  
(202) 628-1700

James S. Jardine (A1647)  
Mark M. Bettilyon (A4798)  
Valerie A. Longmire (A7080)  
John W. Mackay (A6923)  
RAY, QUINNEY & NEBEKER  
79 South Main Street, #400  
Salt Lake City, Utah 84111  
(801) 532-1500

*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><b>ORDER</b></p>
--	--

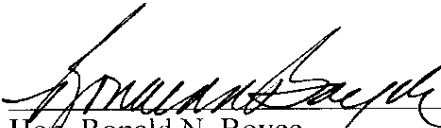
506

On April 5, 1999, defendant Microsoft Corporation's Motion for Leave to File a Clarification to Its Motions for Partial Summary Judgment came on before the Court. Plaintiff Caldera, Inc. was represented by Stephen D. Susman and Stephen J. Hill. Defendant Microsoft Corporation was represented by James S. Jardine and John W. Mackay. Based upon the memoranda filed and arguments at the hearing, and good cause appearing,

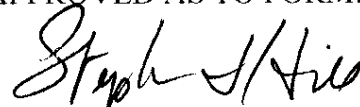
IT IS HEREBY ORDERED as follows:

1. Defendant Microsoft Corporation's Motion for Leave to File a Clarification to Its Motions for Partial Summary Judgment is granted.
2. Defendant Microsoft Corporation may have an additional ten days in which to make any modifications to the memoranda in support of its motions for partial summary judgment that it deems necessary to clarify those memoranda. Microsoft shall notify the Court and Caldera's counsel whether it elects to make such modifications and, if so, what are those modifications. The schedule for Caldera's filing of its memoranda in opposition to the motions for partial summary judgment affected by this Order shall be extended by the number of days taken by Microsoft to modify its memoranda in support of its motions for partial summary judgment or to notify Caldera that no modification will be made.

DATED this 30<sup>th</sup> day of April, 1999.

  
\_\_\_\_\_  
Hon. Ronald N. Boyce  
United States Magistrate Judge

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen J. Hill, Esq.  
Attorneys for Plaintiff Caldera, Inc.

hom

United States District Court  
for the  
District of Utah  
May 4, 1999

\* \* 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  
JFAX 8,713,6546666

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

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

Lawrence C. Locker, Esq.  
SUMMIT LAW GROUP  
1505 WESTLAKE AVE N 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

Mr. Clark Waddoups, Esq.  
PARR WADDOUPS BROWN GEE & LOVELESS  
185 S STATE ST STE 1300  
PO BOX 11019  
SALT LAKE CITY, UT 84147  
JFAX 9,5327750

Robert G. Loewy, Esq.  
OMELVENY & MYERS  
610 NEWPORT CENTER DR  
STE 1700  
NEWPORT BEACH, CA 92660-6429

Mr. Michael P O'Brien, Esq.  
JONES WALDO HOLBROOK & MCDONOUGH  
170 S MAIN ST STE 1500  
PO BOX 45444  
SALT LAKE CITY, UT 84145-0444

James Chadwick, Esq.  
GRAY CARY WARE & FRIDENRICH  
400 HAMILTON AVE  
PALO ALTO, CA 94301-1825  
JFAX 8,650,3273699

Mr. Gary F. Bendinger, Esq.  
GIAUQUE CROCKETT BENDINGER & PETERSON  
170 S MAIN STE 400  
SALT LAKE CITY, UT 84101-1664  
JFAX 9,5311486