

FILED
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

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DISTRICT OF UTAH

CALDERA, INC.,)
)
 Plaintiff(s),)
)
 v.)
)
 MICROSOFT CORPORATION,)
)
 Defendant(s).)

BY: _____
DEPUTY CLERK

Case No. 96-CV-645 B

ORDER

On Thursday, May 20, 1999, the Honorable Magistrate Judge Ronald N. Boyce heard oral arguments on the motions to intervene and unseal records filed by The **San Jose Mercury News** and joined in by **The Salt Lake Tribune** and **Bloomberg News** in the above-captioned matter.

Prior to the motion to intervene, on February 12, 1999 the Court, on its own motion, had entered an order in this case precluding any party from filing a document or pleading under seal without first making a motion to do so, submitting a memorandum in support of the motion, and receiving an order authorizing the filing of the document under seal. In light of the submissions of the interested parties and intervenors, the Court being fully informed, having read the papers submitted by the parties and heard argument, and for good cause shown:

IT IS HEREBY ORDERED THAT:

1. The motions for partial intervention filed by the **San Jose Mercury News**, **The Salt Lake Tribune** and **Bloomberg News** are **GRANTED**.

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2. The Court's order of February 12, 1999 is **Reaffirmed** and all parties seeking to file any document under seal in this case must first obtain the Court's approval and submit a motion and supporting memorandum for the request.

3. There is a general right of the public to have access to Court records. The Court's order of February 12, 1999, previously referred to, provides full and adequate protection for the public interest. Generally, all pleadings, motions, including those for summary judgment and in limine, should not be submitted under seal. The motions of the parties, in this case, on summary judgment, the responses and supporting documentation, heretofore filed are not to be sealed and the clerk will make such items available. Matters relating to trade secrets, proprietary, confidential, engineering, and commercial information are proper for nondisclosure, except as to materials that will be addressed in open court.

4. By June 1, 1999, defendant Microsoft shall provide to counsel for the **San Jose Mercury News, The Salt Lake Tribune and Bloomberg News**, a list and description of all documents filed with the court under seal prior to February 12, 1999. These press entities shall, within ten days of receipt of the list, inform Microsoft's counsel in writing which of these records, if any, they want unsealed. If any such request to unseal is made, Microsoft counsel shall do one of the following by July 20, 1999:

- a. indicate to the court that the court record may be unsealed at which time the court will unseal the record;

b. provide a copy of the record to the press at the expense of the press;

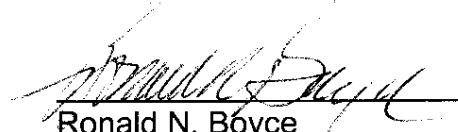
Or

c. file a memorandum with the court stating why all or part of the record should remain under seal.

The Court shall review and resolve any requests for documents to remain under seal pursuant to this order and its order dated February 12, 1999.

DATED this 13th day of August, 1999.

BY THE COURT:



Ronald N. Boyce
United States Magistrate Judge

United States District Court
for the
District of Utah
August 18, 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:

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