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DISTRICT OF UTAH
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Richard H. Klapper
Steven L. Holley
Richard C. Pepperman, II
SULLIVAN & CROMWELL
125 Broad Street
New York, New York 10004
(212) 558-4000

James S. Jardine (A1647)
Mark M. Bettilyon (A4798)
John W. Mackay (A6923)
Mark W. Pugsley (A8253)
RAY, QUINNEY & NEBEKER
Deseret Building, Suite 400
79 South Main Street
Salt Lake City, Utah 84111
(801) 532-1500

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

William H. Neukom
Thomas W. Burt
David A. Heiner, Jr.
Steven J. Aeschbacher (A4527)
MICROSOFT CORPORATION
One Microsoft Way
Redmond, Washington 98052
(425) 936-8080

Attorneys for Defendant Microsoft Corporation

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

CALDERA, INC.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

**STIPULATION CONCERNING
PRESERVATION OF DOCUMENTS
UNDER THE PROTECTIVE ORDER**

No. 2:96 CV 0645B

Judge Dee V. Benson
Magistrate Judge Ronald N. Boyce

STIPULATION AND AGREEMENT

Pursuant to paragraph 30 of the Protective Order entered on March 27, 1997, and paragraph 10 of the Settlement Agreement dated January 7, 2000, the parties to the above-captioned action, Caldera, Inc., and Microsoft Corporation, by and through their respective counsel, hereby stipulate and agree as follows:

1. As set forth herein, this stipulation modifies the requirement in paragraph 22 of the Protective Order requiring that copies of documents produced in this action be returned to the producing party or destroyed within 90 days of settlement of this case and the requirements set forth in paragraph 4 of the Settlement Agreement.

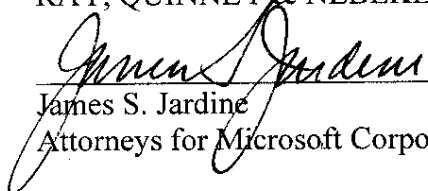
2. Until further written agreement by the parties or order from a court of competent jurisdiction, the parties agree that Caldera shall retain all documents, including all documents from Microsoft and from any other source, received in this action.

3. The parties recognize and agree that the Protective Order prohibits the use or disclosure of discovery material obtained under the Protective Order “for any purpose...other than for the purpose of preparing and conducting this litigation....” (Protective Order, ¶ 6.) In light of Caldera’s ongoing obligations under the Protective Order, the parties agree that, Caldera shall not provide or produce any documents covered by the protective order except pursuant to a subpoena, and that prior to producing or disclosing documents pursuant to a subpoena Caldera shall give prompt notice to Microsoft such that Microsoft or any interested party can object or seek protection or guidance from the proper court concerning any proposed production of documents.

4. The parties recognize and agree that all other terms of the Protective Order and Settlement Agreement not specifically modified herein shall remain in effect, and the parties shall continue to abide by those terms, including all provisions regarding communications with third parties.

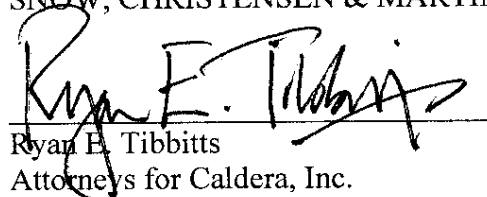
DATED this 14th day of May 2000

RAY, QUINNEY & NEBEKER



James S. Jardine
Attorneys for Microsoft Corporation

DATED this 18 day of May 2000

SNOW, CHRISTENSEN & MARTINEAU


Ryan E. Tibbitts
Attorneys for Caldera, Inc.

SO ORDERED on the 25th day of May 2000


HON. DEE V. BENSON
United States District Judge

hom

United States District Court
for the
District of Utah
May 31, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:96-cv-00645

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

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

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

Richard L. Klein, Esq.
WILLKIE FARR & GALLAGHER
787 SEVENTH AVE
NEW YORK, NY 10019
JFAX 8,212,7288111

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

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

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. 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

Ralph H. Palumbo, 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