

BOIES, SCHILLER & FLEXNER LLP

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February 8, 2013

United States Court of Appeals
Tenth Circuit
Office of the Clerk
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257

Dear Sir/Madam:

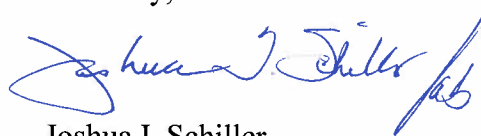
Re: *Novell, Inc. v Microsoft Corporation* – Case No. 12-4143

I am an attorney at Boies, Schiller and Flexner counsel for appellant Novell, Inc. Both appellant and appellee have requested oral argument in this appeal. Both parties have conferred with regard to their respective availability during the week of May 6th through May 10th when the Court will next set a schedule for oral arguments.

Due to conflicts for both parties, May 9th is currently the only day during that week when David Boies and David Tulchin, the attorneys who will argue on behalf of appellant and appellee, are both available.

Therefore, appellant respectfully requests that the oral argument be scheduled for May 9, 2013. Appellee has informed appellant that they are amenable to scheduling oral argument for that day.

Sincerely,



Joshua I. Schiller

Cc: Counsel for Appellee