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U.S. DISTRICT COURT

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

CALDERA, INC.,

ORDER

Plaintiff,

No. 2:96 CV 0645B

vs.

Judge Dee V. Benson
Magistrate Judge Ronald N. Boyce

MICROSOFT CORPORATION,

Defendant.

Pursuant to the Stipulation among Caldera, Inc., Microsoft Corporation and International Business Machines Corporation Concerning Production of Documents in Response to Subpoena, the Court hereby orders as follows:

1. In connection with its response to the IBM Subpoena, IBM may designate certain materials as "Attorneys' Eyes Only" when counsel in good faith believes: (i) that such materials constitute or reveal a trade secret or other confidential research, development, or commercial information within the meaning of Federal Rule of Civil Procedure 26(e)(7), and (ii) that such materials are entitled to an even higher level of protection than that afforded to materials designated as "Confidential" or "Highly Confidential" under the Protective Order because of actual competition between the parties (and/or their affiliated entities) and IBM.
2. Materials designated as "Attorneys' Eyes Only" shall be subject to the provisions of the Protective Order and treated as if they were designated as "Highly

Confidential," except that materials designated as "Attorneys' Eyes Only" shall not be disclosed to the persons described in Paragraph 8.d of the Protective Order.

3. References in the Protective Order to "Confidential Discovery Materials" shall also include materials designated as "Attorneys' Eyes Only" unless such interpretation would lessen the protection from disclosure afforded to such materials under this Stipulation.

Dated this 9th day of March, 1998.

BY THE COURT:



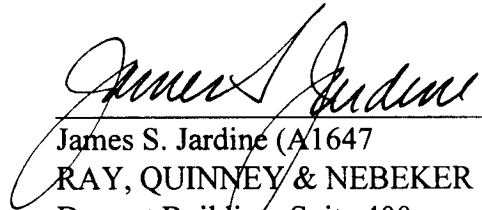
RONALD N. BOYCE
United States Magistrate Judge

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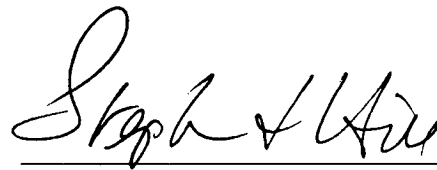
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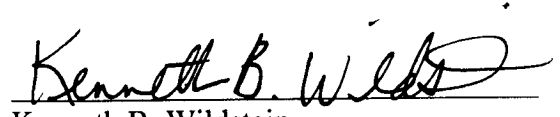
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