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DISTRICT OF UTAH  
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH - CENTRAL DIVISION  
DEPUTY CLERK

U.S. DISTRICT COURT

MAY 08 1998  
RECEIVED CLERK

CALDERA, INC.,

**ORDER**

Plaintiff,

No. 2:96 CV 0645B

Vs.

Judge Dee V. Benson  
Magistrate Judge Ronald N. Boyce

MICROSOFT CORPORATION,

Defendant.

WHEREAS, the motion (the "Motion") of Microsoft Corporation ("Microsoft") to compel Novell, Inc. ("Novell") to comply with Microsoft's document subpoena of July 10, 1997 (the "July Subpoena"), came on for a second hearing before the Court on April 14, 1998; and

WHEREAS, the Court has considered the arguments and evidence of the parties and of Novell submitted in connection with the Motion;

NOW THEREFORE, good cause having been shown, it is hereby ordered that:

By no later than May 5, 1998,

1. Novell shall search for and produce all materials within its possession, custody, or control concerning the sales, marketing, or promotion of DR DOS or Novell DOS; if no further materials are identified, Novell shall provide an affidavit identifying where was searched, what was looked for, and, if it is the case, that no further documents were identified.

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2. Novell shall make available for Microsoft's inspection and copying in Provo, Utah, those materials (i) identified from the approximately 100 boxes of responsive materials Novell recently obtained from its facilities in Hungerford, England, and (ii) identified from the boxes of materials identified as relating to the UNIX business.

3. Microsoft shall formulate and provide to Novell forthwith any search queries for Novell to execute in the database index of its archives to retrieve materials responsive to the July Subpoena, and Novell shall promptly conduct those searches and communicate the results thereof to Microsoft.

4. Novell shall provide to Microsoft the identities of any parties that offered to purchase the so-called "DR DOS business" from Novell.

5. Novell shall search for and produce all accounts receivable or other materials concerning any license amounts paid or to be paid to Novell by OEMs that were, in turn, paid or are set to be paid by Novell to Caldera in connection with the Asset Purchase Agreement. To comply with this paragraph, Novell will forward accounts receivable information describing payments to Caldera, Inc. ("Caldera"). Microsoft shall inform Novell of any reasonable backup that it requires relating to this paragraph.

6. Novell shall search for and produce the document authored by Sue Nageotte and discussed at pages 31-33 of the transcript of the hearing.

7. Novell shall search for and produce documents related to the 1994 Consent Decree between Microsoft and the Department of Justice and the 1994 Undertaking

between Microsoft and DG-IV, provided that such documents relate to business decisions made on or after July 15, 1994.

8. Novell shall search for and produce all materials concerning its review of and efforts to monitor the pricing of MS-DOS.

9. To the extent Novell has not already done so, Novell shall search for and produce all documents concerning any analysis by Novell or Digital Research, Inc. ("DRI"), of the functionality of MS-DOS. Microsoft has previously identified engineers whose files should be among those searched for in response to this request. Novell shall notify Microsoft when that search has been completed.

10. Novell shall provide Microsoft with an index of the results of Novell's key-word searches of its archives for the names Terry Holbrook, Willie Donahoo, Coleman Barney and Bruce Law, and shall make available for inspection and copying by Microsoft the materials and documents identified in that index.

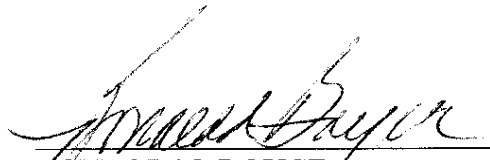
11. Novell shall describe for Microsoft in writing the nature and extent of its search for materials concerning the predecessor(s) to its strategic relations and business development groups, including its efforts to contact Duff Thompson and Joe Firmage.

12. Unless the Court has required Novell to provide the following information in an affidavit, to the extent that Novell is unable to locate any materials for which the Court has ordered it to search, Novell shall send Microsoft a letter identifying where it searched and what it looked for and stating that no such materials were located.

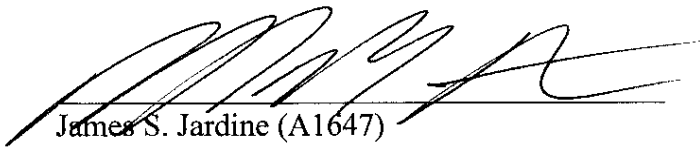
IT IS SO ORDERED.

Dated this 17<sup>th</sup> day of May, 1998.

BY THE COURT:

  
\_\_\_\_\_  
RONALD N. BOYCE  
United States Magistrate Judge

Presented by:

  
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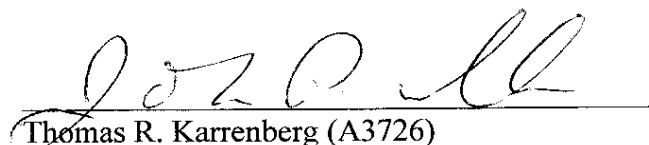
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United States District Court  
for the  
District of Utah  
May 15, 1998

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 2:96-cv-00645

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