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

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CALDERA, INC.

Plaintiff

**FOURTH SCHEDULING ORDER**

vs.

Case No.: 2:96CV 0645B

MICROSOFT CORPORATION

Judge Dee V. Benson

Defendant.

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This matter came on for hearing on July 28, 1998, at 2:00 p.m., before the Honorable Ronald N. Boyce, United States Magistrate Judge, on defendant Microsoft's motion for extension of pretrial deadlines. James S. Jardine, Thomas W. Burt and Mark Bettilyon

appeared on behalf of defendant Microsoft Corporation. Stephen D. Susman, Parker C. Folsie, III and Stephen J. Hill appeared on behalf of plaintiff Caldera, Inc. The Court having considered the parties' memoranda, the arguments of counsel, and the files and records herein, and being fully advised,

IT IS HEREBY ORDERED that the schedule set forth in the Third Scheduling Order is modified as follows:

1. **Fact Discovery.** All fact discovery shall be completed by October 15, 1998.

The parties shall exchange lists of anticipated trial witnesses by September 3, 1998.

2. **Expert Discovery.** Caldera shall serve expert witness reports no later than September 15, 1998. Microsoft may begin taking the depositions of Caldera's expert witnesses on September 16, 1998. Microsoft shall designate its expert witnesses no later than November 1, 1998, and shall serve its expert witness reports no later than December 1, 1998. Caldera may begin taking the depositions of Microsoft's expert witnesses on December 2, 1998. Caldera shall serve any rebuttal expert witness reports no later than January 11, 1999. Microsoft may take depositions of experts submitting rebuttal reports beginning January 11, 1999.

3. **Trial and Motion Schedule.**

- a. **Dispositive Motions.** The parties shall file all dispositive motions no later than January 25, 1999. All such motions shall be heard not later than late March of 1999 or at such other time as the Court may direct.

b. **Pretrial Conferences.** The dates previously identified in the Third Scheduling Order shall remain unchanged.

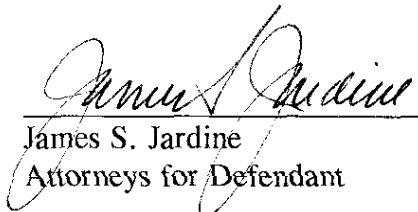
DATED this 5<sup>th</sup> day of ~~July~~ <sup>November</sup>, 1998.

BY THE COURT:

  
\_\_\_\_\_  
Ronald N. Boyce  
United States Magistrate Judge

Approved as to form:

RAY, QUINNEY & NEBEKER

  
\_\_\_\_\_  
James S. Jardine  
Attorneys for Defendant

United States District Court  
for the  
District of Utah  
August 7, 1998

\* \* 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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