

FILED

SEP 11 1996

05 OCT 20 11:04

CLERK OF DISTRICT COURT
BY: KJ
CLERK

Richard J. Urowsky
Steven L. Holley
Richard C. Pepperman, II
SULLIVAN & CROMWELL
125 Broad Street
New York, New York 10004
(212) 558-4000

William H. Neukom
Thomas W. Burt
David A. Heiner, Jr.
Steven J. Aeschbacher (A4527)
MICROSOFT CORPORATION
One Microsoft Way
Redmond, Washington 98052
(425) 882-8080

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

James R. Weiss
PRESTON GATES ELLIS &
ROUVELAS MEEDS
1735 New York Avenue, N.W.
Washington, D.C. 20006
(202) 628-1700

James S. Jardine (A1647)
Mark M. Bettilyon (A4798)
Valerie A. Longmire (A7080)
John W. Mackay (A6923)
RAY, QUINNEY & NEBEKER
79 South Main Street, #400
Salt Lake City, Utah 84111
(801) 532-1500

Attorneys for Defendant Microsoft Corporation

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

<p>CALDERA, INC.,</p> <p>Plaintiff,</p> <p>Vs.</p> <p>MICROSOFT CORPORATION,</p> <p>Defendant.</p>	<p>No. 2:96 CV 0645B</p> <p>Judge Dee V. Benson Magistrate Judge Ronald N. Boyce</p> <p>STIPULATION AND ORDER</p>
--	---

292

1. On March 27, 1997, the Court executed a Protective Order relating to document discovery.
2. Under Paragraph 8 of the Protective Order, discovery material designated "Highly Confidential" may be shown to a limited number of people.
3. Apple Computers, Inc. has reviewed the provisions of Paragraph 8 and has deemed that certain material should be more restrictively classified.
4. Pursuant to the terms of the Protective Order, documents produced by Apple and marked "Highly Confidential" will be disseminated more restrictively and in the following manner:

Discovery Material Designated "Highly Confidential"

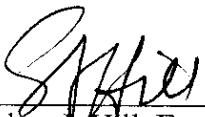
8. Except with the prior consent of the producing party or upon prior order of the Court, discovery material designated "Highly Confidential" by Apple Computers, Inc. pursuant to ¶ 4 above shall not be disclosed directly or indirectly by the person receiving such material to persons other than (i) persons who already have seen or received such "Highly Confidential" material (to the extent a document marked "Highly Confidential" only partially constitutes or reflects communications with the person or was only seen or received in part by the person, the document may be shown to the person after being redacted to prevent disclosure of any other Highly Confidential Material), provided that the requirements of ¶ 10 below have been met and (ii) the following persons, as to whom disclosure shall be limited to the extent reasonably necessary for the prosecution, defense, and/or appeal of this action.

- a) The Court, persons employed by the Court, and stenographers transcribing the testimony or argument at a hearing, trial, or deposition in this action or any appeal therefrom.
- b) Counsel for the parties in this action, whether or not counsel of record, including in-house counsel, associates, legal assistants, paralegals, secretarial and clerical employees, and outside services (including, without limitation, copy services, litigation consulting services, and graphics services) who are assisting counsel in the prosecution defense, and/or appeal of this action. For purposes of this Order, in-house counsel for Microsoft shall be limited to in-house counsel dedicated exclusively to litigation related activities and shall include Tom Burt, Steve Aeschbacher and paralegals and staff working with them. The preceding sentence does not apply to Caldera, who has no in-house counsel.

- c) Independent experts and consultants retained or employed by counsel in connection with the prosecution, defense, and/or appeal of this action, including their secretarial and clerical employees who are assisting in the prosecution, defense, and/or their employees who are assisting in the prosecution, defense, and/or appeal of this action, provided that the requirements of ¶ 11 below have been met.

DATED this _____ day of October, 1998.

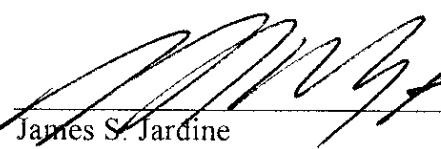
SNOW, CHRISTENSEN &
MARTINEAU



Stephen J. Hill, Esq.
Ryan E. Tibbitts, Esq.
10 Exchange Place, 11th Floor
P. O. Box 45000
Salt Lake City, Utah 84145

Attorneys for Plaintiff
Caldera, Inc.

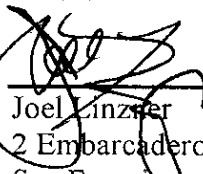
RAY, QUINNEY & NEBEKER



James S. Jardine
Mark M. Bettilyon
Valerie A. Longmire
John W. Mackay
RAY, QUINNEY & NEBEKER
79 South Main Street, #400
Salt Lake City, Utah 84111

*Attorneys for Defendant
Microsoft Corporation*

TOWNSEND, TOWNSEND & CREW,
L.L.P.

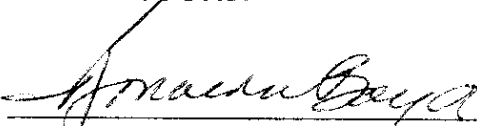


Joel Linzner
2 Embarcadero Center, 8th Floor
San Francisco, CA 94111

Attorneys for Apple Computers, Inc.

SO ORDERED THIS 26th DAY OF OCTOBER, 1998.

BY THE COURT:



Ronald N. Boyce
U. S. Magistrate Judge

United States District Court
for the
District of Utah
October 27, 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:

Mr. Max D Wheeler, Esq.
SNOW CHRISTENSEN & MARTINEAU
10 EXCHANGE PLACE
PO BOX 45000
SALT LAKE CITY, UT 84145-5000
FAX 9,3630400

Stephen D. Susman, Esq.
SUSMAN GODFREY LLP
1000 LOUISIANA STE 5100
HOUSTON, TX 77002-5096

Charles R. Eskridge III, Esq.
SUSMAN GODFREY LLP
1000 LOUISIANA STE 5100
HOUSTON, TX 77002-5096
FAX 8,713,6543357

Ralph H. Palumbo, Esq.
SUMMIT LAW GROUP
1505 WESTLAKE AVE STE 300
SEATTLE, WA 98109

Parker C. Folse III, Esq.
SUSMAN GODFREY LLP
1201 THIRD AVE STE 3090
SEATTLE, WA 98101

James S. Jardine, Esq.
RAY QUINNEY & NEBEKER
79 S MAIN ST
PO BOX 45385
SALT LAKE CITY, UT 84145-0385
PFAX 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
444 S FLOWER ST STE 1200
LOS ANGELES, CA 90071