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U.S. MAGISTRATE

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

U.S. DISTRICT COURT

CALDERA, INC.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

STIPULATED ORDER AMONG CALDERA, INC., MICROSOFT CORPORATION, AND INTERNATIONAL BUSINESS MACHINES CORPORATION CONCERNING PRODUCTION OF SOURCE CODE IN RESPONSE TO SUBPOENA

No. 2:96 CV 0645B

Judge Dee V. Benson

Magistrate Judge Ronald N. Boyce

WHEREAS, pursuant to the requirements of a subpoena issued to International Business Machines Corporation ("IBM") by Caldera, Inc. ("Caldera"), dated September 14, 1998 (the "Caldera Subpoena"), IBM has produced and intends to produce to Caldera certain source code created by Microsoft Corporation ("Microsoft");

WHEREAS, Paragraph 3 of the Court's Order of August 14, 1998, provides certain protections to source code produced to Caldera by Microsoft pursuant to that Order, in addition to the protections provided by the Protective Order of March 27, 1997, presently in effect in this action; and


WHEREAS, the parties hereto desire that any Microsoft source code produced by IBM in response to the Caldera Subpoena be treated and receive the same additional protections as source code subject to the Court's Order of August 14, 1998, as though produced by Microsoft itself;

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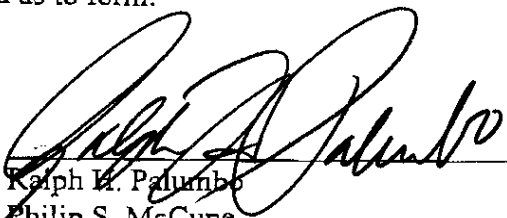
NOW THEREFORE, it is hereby stipulated, agreed, and ordered as follows:

1. Any source code produced to Caldera by IBM in response to the Caldera Subpoena, including but not limited to source code for Microsoft's MS-DOS 1.01, for the beta version of Microsoft's Windows 3.10, and for Microsoft's Windows 3.11, shall be treated and receive the same protections as source code produced by Microsoft pursuant to the Court's Order of August 14, 1998.

Respectfully submitted, stipulated, and approved as to form:


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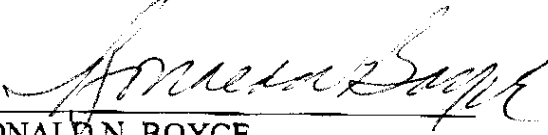
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Caldera, Inc.*

Dated this 7th day of ~~November~~ *December*, 1998.

SO ORDERED BY THE COURT


RONALD N. BOYCE
United States Magistrate Judge

United States District Court
for the
District of Utah
December 9, 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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