

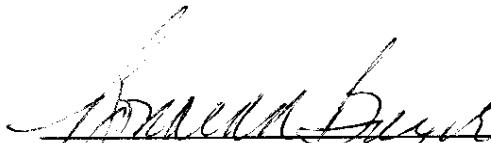


2. IT IS HEREBY ORDERED, that Novell's motion for protective order is GRANTED IN PART. Novell is not a party to this action, and under Rule 45 of the Federal Rules of Civil Procedure, Microsoft is required to bear a portion of the cost of responding to Microsoft's subpoenas. Microsoft shall purchase a server for use by Novell in the back-up restoration process and shall reimburse Novell the reasonable costs of obtaining the necessary software, as well as the costs for the employee and/or contractor time needed to install and configure the back-up software and to restore the tapes. Once the system is set up and the tapes are restored, pursuant to the Court's suggestion and the parties' agreement, the labor costs of searching the fourteen tapes previously identified by Microsoft shall be split between Microsoft and Novell, with Microsoft bearing sixty percent of those search costs and Novell bearing forty percent. Should Microsoft desire to have more than fourteen tapes restored and searched, Novell reserves the right, without prejudice to Microsoft, to seek another protective order from the Court.

DATED:

~~January~~ 13, 1998.

BY THE COURT:

  
\_\_\_\_\_  
Honorable Ronald N. Boyce  
Magistrate Judge

APPROVED AS TO FORM:

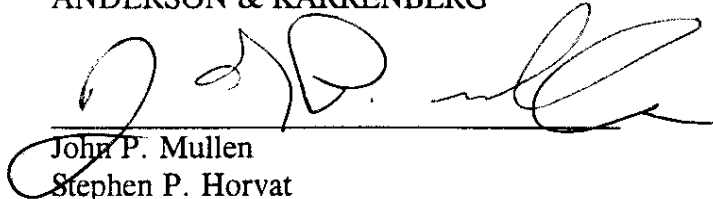
RAY, QUINNEY & NEBEKER



---

Mark M. Bettilyon  
Attorneys for Microsoft Corporation

ANDERSON & KARRENBERG



---

John P. Mullen  
Stephen P. Horvat  
Attorneys for Novell, Inc.

**CERTIFICATE OF SERVICE**

On this 12 day of January, 1999, I hereby caused to be mailed via U.S. first-class mail, postage prepaid, a true and correct copy of the foregoing **ORDER ON MOTION TO COMPEL AND MOTION FOR PROTECTIVE ORDER** to the following:

Michael H. Steinberg, Esq.  
Michael Tenenbaum, Esq.  
SULLIVAN & CROMWELL  
1888 Century Park East  
Los Angeles, CA 90067-1725

Mark M. Bettilyon, Esq.  
James S. Jardine, Esq.  
RAY, QUINNEY & NEBEKER  
Deseret Building, Suite 400  
79 South Main Street  
Salt Lake City, Utah 84111

William H. Neukom, Esq.  
Thomas W. Burt, Esq.  
David A. Heiner, Jr., Esq.  
Steven J. Aeschbacher, Esq.  
MICROSOFT CORPORATION  
One Microsoft Way  
Redmond, Washington 98052

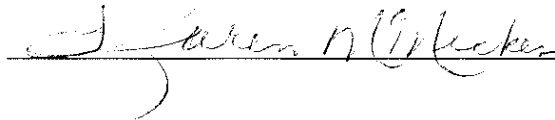
James R. Weiss  
PRESTON GATES ELLIS & ROUVELAS MEEDS  
1735 New York Avenue, N.W.  
Washington, D.C. 20006

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

James T. Southwick, Esq.  
SUSMAN GODFREY, L.L.P.  
1000 Louisiana, Suite 5100  
Houston, Texas 77002-5096

Ralph H. Palumbo, Esq.  
Lynn M. Engel, Esq.  
SUMMIT LAW GROUP  
1505 Westlake Avenue, Suite 300  
Seattle, Washington 98109

Parker C. Folse, III  
SUSMAN GODFREY, L.L.P.  
1201 Third Avenue, Suite 3090  
Seattle, Washington 98101

A handwritten signature in cursive script, appearing to read "James T. Southwick", is written over a horizontal line.

United States District Court  
for the  
District of Utah  
January 14, 1999

\* \* 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  
JFAX 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  
JFAX 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  
JFAX 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  
1888 CENTURY PARK EAST  
LOS ANGELES, CA 90067

Jim F Lundberg, Esq.  
NOVELL INC  
A270  
1555 N TECHNOLOGY  
OREM, UT 84057  
JFAX 8,801,2287077

Mr. Thomas R Karrenberg, Esq.  
ANDERSON & KARRENBERG  
50 W BROADWAY STE 700  
SALT LAKE CITY, UT 84101  
JFAX 9,3647697