

MAR 16 1999

RECEIVED CLERK

FILED
CLERK, U.S. DISTRICT COURT

23 MAR 99 PM 3: 25

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

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

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

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

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

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

Attorneys for Defendant Microsoft Corporation

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

CALDERA, INC.,

Plaintiff,

Vs.

MICROSOFT CORPORATION,

Defendant.

No. 2:96 CV 0645B

Judge Dee V. Benson
Magistrate Judge Ronald N. Boyce

SCHEDULING ORDER

468

Defendant Microsoft Corporation (“Microsoft”) has filed nine motions for partial summary judgment. The Court has scheduled five dates for hearings on those motions, as follows:

<u>Hearing Date</u>	<u>Motions to Be Heard</u>
May 25, 1999 1:30 p.m.	Defendant’s Motion for Partial Summary Judgment on Plaintiff’s “Product Preannouncement” Claims Defendant’s Motion for Partial Summary Judgment on Plaintiff’s Product Disparagement (“FUD”) Claims
May 27, 1999 1:30 p.m.	Defendant’s Motion for Partial Summary Judgment on Plaintiff’s Claims Regarding Microsoft’s Licensing Practices
June 8, 1999 1:30 p.m.	Defendant’s Motion for Partial Summary Judgment on Alleged Intentional Incompatibilities Defendant’s Motion for Partial Summary Judgment on Plaintiff’s Claims of “Perceived Incompatibilities”
June 10, 1999 1:30 p.m.	Defendant’s Motion for Partial Summary Judgment on Plaintiff’s “Predisclosure” Claims Defendant’s Motion for Partial Summary Judgment on Plaintiff’s European and Japanese Claims Defendant’s Motion for Partial Summary Judgment on Plaintiff’s State Law Claim for Tortious Interference
June 16, 1999 1:30 p.m.	Defendant’s Motion for Partial Summary Judgment on Plaintiff’s Technological Tying Claim

By agreement between the parties:

1) Caldera shall file its opposing memoranda to the motions scheduled for hearing on May 25, 1999 no later than April 5, 1999, and Microsoft shall file its reply memoranda thereto no later than May 3, 1999.

2) Caldera shall file its opposing memorandum to the motion scheduled for hearing on May 27, 1999 no later than April 7, 1999, and Microsoft shall file its reply memorandum thereto no later than May 5, 1999.

3) Caldera shall file its opposing memoranda to the motions scheduled for hearing on June 8, 1999 no later than April 14, 1999, and Microsoft shall file its reply memoranda no later than May 12, 1999.


4) Caldera shall file its opposing memoranda to the motions scheduled for hearing on June 10, 1999 no later than April 16, 1999, and Microsoft shall file its reply memoranda thereto no later than May 14, 1999.

5) Caldera shall file its opposing memorandum to the motion scheduled for hearing on June 16, 1999 no later than April 23, 1999 and Microsoft shall file its reply memorandum thereto no later than May 21, 1999.

Caldera requests that this Court consider not deciding any of the motions until all the hearings have occurred. Microsoft has no objection to that request.

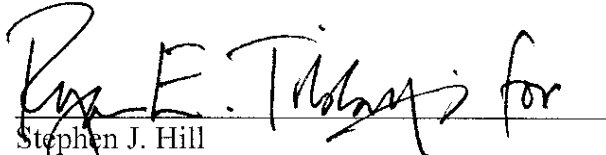
DATED this 22nd day of March, 1999.

BY THE COURT:


Hon. Dee V. Benson
United States District Judge


Approved As To Form:

SNOW, CHRISTENSEN & MARTINEAU



Stephen J. Hill
Attorneys for Plaintiff Caldera

RAY, QUINNEY & NEBEKER



James S. Jardine
Attorneys for Defendant Microsoft

United States District Court
for the
District of Utah
March 24, 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 N STE 300
SEATTLE, WA 98109

Lawrence C. Locker, Esq.
SUMMIT LAW GROUP
1505 WESTLAKE AVE N 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

Mr. Clark Waddoups, Esq.
PARR WADDOUPS BROWN GEE & LOVELESS
185 S STATE ST STE 1300
PO BOX 11019
SALT LAKE CITY, UT 84147
JFAX 9,5327750

Robert G. Loewy, Esq.
OMELVENY & MYERS
610 NEWPORT CENTER DR
STE 1700
NEWPORT BEACH, CA 92660-6429

Mr. Michael P O'Brien, Esq.
JONES WALDO HOLBROOK & MCDONOUGH
170 S MAIN ST STE 1500
PO BOX 45444
SALT LAKE CITY, UT 84145-0444

Mr. Gary F. Bendinger, Esq.
GIAUQUE CROCKETT BENDINGER & PETERSON
170 S MAIN STE 400
SALT LAKE CITY, UT 84101-1664
JFAX 9,5311486