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FILED
MAR 16 1999
BY: SH
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

STATE OF UTAH

CALDERA, INC.,)

Plaintiff,)

vs.)

MICROSOFT CORPORATION,)

Defendant.)

ORDER

Civil No. 2:96-CV 0645B

Judge Dee V. Benson
Magistrate Judge Boyce

Novell, Inc.'s ("Novell") Motion to Quash Microsoft's Fourth Subpoena, dated December 11, 1998, and Microsoft Corporation's ("Microsoft") Motion to Compel Novell, Inc. to Produce NetWare Files and Prepaid Balance Information and seeking to enforce Microsoft's September 30, 1998 and December 10, 1998 Subpoenas, came before this Court for a hearing on Monday, March 15, 1999. Novell was represented by John P. Mullen, Esq. of the law firm of Anderson & Karrenberg; Microsoft was represented by Mark M. Bettilyon, Esq. and Dan Walker, Esq. of the law firm of Ray, Quinney & Nebeker; Ryan Tibbitts, Esq. appeared on behalf of Caldera, Inc.

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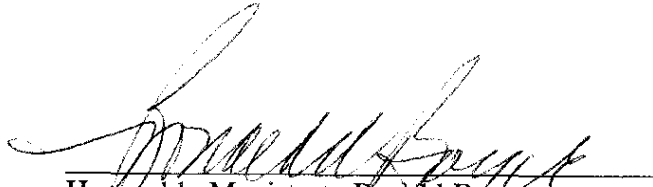
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At the commencement of the hearing, the Court stated that it had read carefully through all of the memoranda filed by all of the parties, that the timeliness of any of the filings or subpoenas was not an issue, and that the Court would rule on the merits of both motions. After argument by Microsoft's counsel, based on the reasons set forth in the memoranda filed by Novell, and for the reasons set forth by the Court orally at the hearing,

IT IS HEREBY ORDERED:

- (1) That Novell's Motion to Quash Microsoft's Fourth Subpoena is granted, and
- (2) That Microsoft's Motion to Compel Novell, Inc.'s NetWare Files and Prepaid Balance Information is denied.

DATED: ^{Dec. 1} March 27, 1999.


Honorable Magistrate Ronald Boyce
United States District Court

APPROVED AS TO FORM:


Mark M. Bettilyon, Esq.

Dan Walker, Esq.

Attorneys for Microsoft Corporation

United States District Court
for the
District of Utah
April 28, 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:

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