

FILED
CLERK, U.S. DISTRICT COURT

STEPHEN D. SUSMAN
CHARLES R. ESKRIDGE III
JAMES T. SOUTHWICK
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, Texas 77002-5096
Telephone: (713) 651-9366

29 JUL 99 PM 2:57

DISTRICT OF UTAH

DEPUTY CLERK

PARKER C. FOLSE
SUSMAN GODFREY L.L.P.
1201 Third Avenue, Suite 3120
Seattle, Washington 98101
Telephone: (206) 516-3880
U.S. DISTRICT COURT

RECEIVED CLERK

JUL 19 1999

MAX D. WHEELER (A3439)
STEPHEN J. HILL (A1493)
RYAN E. TIBBITTS (A4423)
SNOW CHRISTENSEN & MARTINEAU
10 Exchange Place, Eleventh Floor
Post Office Box 45000
Salt Lake City, Utah 84145
Telephone: (801)521-9000

RALPH H. PALUMBO
MATTHEW R. HARRIS
LYNN M. ENGEL
SUMMIT LAW GROUP
1505 Westlake Ave. Suite 300
Seattle, Washington 98109
Telephone: (206) 281-9881

Attorneys for Plaintiff

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

CALDERA, INC.

Plaintiff

vs.

**ORDER DENYING DEFENDANT
MICROSOFT CORPORATION'S
MOTION IN LIMINE TO EXCLUDE
PLAINTIFF'S NEW ALLEGED
INTENTIONAL INCOMPATIBILITIES
AND NEW EXPERT TESTIMONY**

MICROSOFT CORPORATION

Defendant.

Case No.: 2:96CV 0645B
Judge Dee V. Benson
Magistrate Judge Ronald N. Boyce

On July 6, 1999, Defendant Microsoft's Motion *In Limine* to Exclude Plaintiff's New Alleged Intentional Incompatibilities and New Expert Testimony came on before the Court.

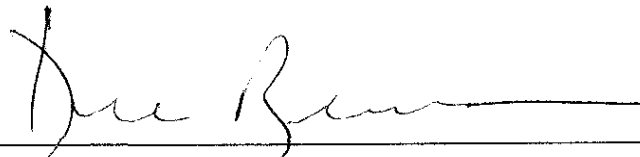
577

Parker C. Folse, III, Ralph H. Palumbo, Matthew R. Harris, Stephen J. Hill and Ryan E. Tibbitts appeared on behalf of Caldera, Inc. and James s. Jardine, Thomas Burt, Richard Klapper and Michael Steinberg appeared on behalf of Microsoft Corporation. Based on the memoranda filed and arguments at the hearing, and for reasons stated by the Court as reflected in the transcript and good cause appearing,

IT IS HEREBY ORDERED that the motion is denied.

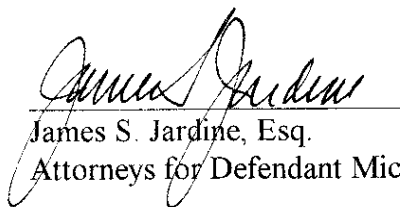
DATED this 27th day of July, 1999.

BY THE COURT,



The Honorable Dee V. Benson
United States District Judge

APPROVED AS TO FORM:



James S. Jardine, Esq.
Attorneys for Defendant Microsoft Corporation

United States District Court
for the
District of Utah
July 30, 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
JFAX 8,713,6546666

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

James Chadwick, Esq.
GRAY CARY WARE & FRIDENRICH
400 HAMILTON AVE
PALO ALTO, CA 94301-1825
JFAX 8,650,3273699

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

Richard L. Klein, Esq.
WILLKIE FARR & GALLAGHER
787 SEVENTH AVE
NEW YORK, NY 10019