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DISTRICT OF UTAH
BY: *CSB*
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CALDERA, INC.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

**STIPULATION CONCERNING
PRESERVATION OF DOCUMENTS
UNDER THE PROTECTIVE ORDER**

No. 2:96 CV 0645B

Judge Dee V. Benson
Magistrate Judge Ronald N. Boyce

STIPULATION AND AGREEMENT

Pursuant to paragraph 30 of the Protective Order entered on March 27, 1997, and paragraph 10 of the Settlement Agreement dated January 7, 2000, the parties to the above-captioned action, Caldera, Inc., and Microsoft Corporation, by and through their respective counsel, hereby stipulate and agree as follows:

1. As set forth herein, this stipulation modifies the requirement in paragraph 22 of the Protective Order requiring that copies of documents produced in this action be returned to the producing party or destroyed within 90 days of settlement of this case and the requirements set forth in paragraph 4 of the Settlement Agreement.

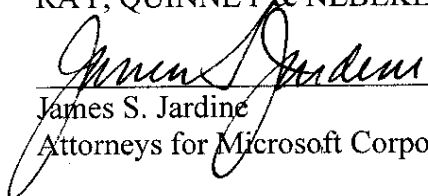
2. Until further written agreement by the parties or order from a court of competent jurisdiction, the parties agree that Caldera shall retain all documents, including all documents from Microsoft and from any other source, received in this action.

3. The parties recognize and agree that the Protective Order prohibits the use or disclosure of discovery material obtained under the Protective Order “for any purpose...other than for the purpose of preparing and conducting this litigation....” (Protective Order, ¶ 6.) In light of Caldera’s ongoing obligations under the Protective Order, the parties agree that, Caldera shall not provide or produce any documents covered by the protective order except pursuant to a subpoena, and that prior to producing or disclosing documents pursuant to a subpoena Caldera shall give prompt notice to Microsoft such that Microsoft or any interested party can object or seek protection or guidance from the proper court concerning any proposed production of documents.

4. The parties recognize and agree that all other terms of the Protective Order and Settlement Agreement not specifically modified herein shall remain in effect, and the parties shall continue to abide by those terms, including all provisions regarding communications with third parties.

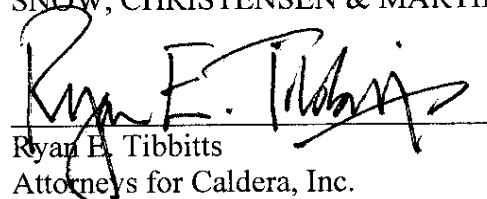
DATED this 14th day of May 2000

RAY, QUINNEY & NEBEKER

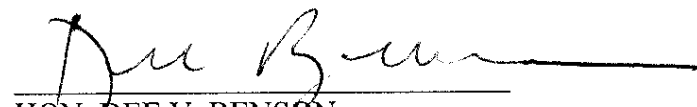

James S. Jardine
Attorneys for Microsoft Corporation

DATED this 18 day of May 2000

SNOW, CHRISTENSEN & MARTINEAU


Ryan E. Tibbitts
Attorneys for Caldera, Inc.

SO ORDERED on the 25th day of May 2000


HON. DEE V. BENSON
United States District Judge

United States District Court
for the
District of Utah
May 31, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:96-cv-00645

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