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

IN RE SUBPOENAS SERVED UPON SNOW,  
CHRISTENSEN & MARTINEAU AND THE  
CANOPY GROUP

Relating to the litigation pending in the United  
States District Court for the District of Maryland  
captioned *Novell, Inc. v. Microsoft Corp.*,  
Civil Action No. JFM-05-1087 (Consolidated into  
*In re Microsoft Corp. Antitrust Litigation*, MDL  
Docket No. 1332)

**SUPPLEMENTAL  
DECLARATION OF MARK M.  
BETTILYON IN SUPPORT OF  
MICROSOFT'S MOTION TO  
COMPEL SNOW, CHRISTENSEN  
& MARTINEAU TO PRODUCE  
DOCUMENTS IN RESPONSE TO  
TWO SUBPOENAS**

Case No. 2:08-mc-00675-DB-DN

1. I am a member of the Bar of this Court and a shareholder in the law firm of Ray Quinney & Nebeker P.C., counsel to defendant Microsoft Corporation (“Microsoft”) in the above-captioned action. I submit this declaration to place before the Court materials referred to in Microsoft’s Reply Memorandum in Further Support of Its Motion to Compel Snow, Christensen & Martineau to Produce Documents in Response to Two Subpoenas, dated October 6, 2008.

2. Attached hereto as Exhibit 1 is a copy of a letter from Steven L. Holley of Sullivan & Cromwell LLP, counsel to Microsoft, to Jeffrey M. Johnson of Dickstein Shapiro LLP, counsel to Novell, Inc., dated September 26, 2008.

Executed on this 6th day of October, 2008, in Salt Lake City, Utah.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Mark M. Bettilyon

Mark M. Bettilyon

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of October, 2008, I served by electronic filing the foregoing **SUPPLEMENTAL DECLARATION OF MARK M. BETTILYON IN SUPPORT OF MICROSOFT'S MOTION TO COMPEL SNOW, CHRISTENSEN & MARTINEAU TO PRODUCE DOCUMENTS IN RESPONSE TO TWO SUBPOENAS** on the following:

Max D. Wheeler  
Stanley J. Preston  
SNOW, CHRISTENSEN & MARTINEAU  
10 Exchange Place, Eleventh Floor  
Salt Lake City, Utah 84145

Thomas R. Karrenberg  
ANDERSON & KARRENBURG  
50 W. Broadway, #700  
Salt Lake City, Utah 84101

and mailed, first class, postage prepaid, to the following:

Jeffrey M. Johnson  
R. Bruce Holcomb  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street N.W.  
Washington, D.C. 20006-5403

1004560

/s/ Lori M. McGee