

FILED
U.S. DISTRICT COURT

Richard J. Wallis
Steven J. Aeschbacher
MICROSOFT CORPORATION
One Microsoft Way
Redmond, Washington 98052
Phone: (425) 706-8080
Facsimile: (425) 936-7329
rwallis@microsoft.com
steveaes@microsoft.com

G. Stewart Webb, Jr.
VENABLE LLP
1800 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201
Phone: (410) 244-7565
Facsimile: (410) 244-7742
gswebb@venable.com

Attorneys for Microsoft Corporation

Mark M. Bettilyon (4789)
Elaina M. Maragakis (7929)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145
Phone: (801) 532-1500
Facsimile: (801) 532-7543
mbettilyon@rqn.com
emaragakis@rqn.com

David B. Tulchin
Steven L. Holley
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
Phone: (212) 558-4000
Facsimile: (212) 558-3588
tulchind@sullcrom.com
holleys@sullcrom.com

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

IN RE SUBPOENAS SERVED UPON
ANDERSON & KARRENBERG, P.C. AND
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)

**MEMORANDUM IN SUPPORT
OF MOTION FOR LEAVE TO
FILE PLEADINGS,
DOCUMENTS, AND
ACCOMPANYING EXHIBITS
UNDER SEAL**

Case: 2:08mc00675
Assigned To : Benson, Dee
Assign. Date : 9/5/2008
Description: Novell v Microsoft

Pursuant to DUCiv.R. 5-2, Defendant Microsoft Corporation ("Microsoft") hereby submits this Memorandum in Support of its Motion for Leave to File Under Seal the following

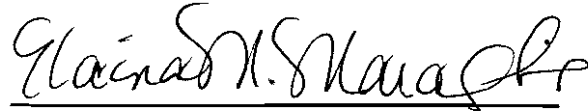
pleadings, documents, and accompanying exhibits: (1) Microsoft's Memorandum in Support of its Motion to Compel Snow, Christensen & Martineau to Produce Documents in Response to Two Subpoenas (2) Declaration of Mark M. Bettilyon in Support of Microsoft's Motion to Compel Snow, Christensen & Martineau to Produce Documents in Response to Two Subpoenas; (3) Microsoft's Memorandum in Support of its Motion to Compel Anderson & Karrenberg, P.C. to Produce Documents in Response to a Subpoena; and (4) Declaration of Mark M. Bettilyon in Support of Microsoft's Motion to Compel Anderson & Karrenberg, P.C. to Produce Documents in Response to a Subpoena.

DUCiv.R. 5-2 provides in relevant part: “[o]n motion of one or more parties and a showing of good cause, the court or, upon referral, a magistrate judge may order all or a portion of the documents filed in a civil case to be sealed.”

The basis for this motion is that the above documents reference and contain information that is subject to a protective order in the present case, specifically the multi-district litigation *Novell, Inc. v. Microsoft Corp.*, Civil Action No. JFM-05-1087 (consolidated into *In re Microsoft Corp. Antitrust Litigation*, MDL Docket No. 1332), currently pending in the U.S. District Court for the District of Maryland. Some of the documents and information referenced are also subject to one or more protective orders filed in other litigation matters. A copy of the protective order in the present case is attached hereto as Exhibit A. Because these documents are subject to one or more protective orders, Microsoft respectfully requests that the Court grant its Motion for Leave to File Pleadings, Documents, and Accompanying Exhibits Under Seal.

DATED this 5th day of September, 2008.

Respectfully submitted,



Richard J. Wallis
Steven J. Aeschbacher
MICROSOFT CORPORATION
One Microsoft Way
Redmond, Washington 98052
Phone: (425) 706-8080
Facsimile: (425) 936-7329
rwallis@microsoft.com
steveaes@microsoft.com

Mark M. Bettilyon
Elaina M. Maragakis
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145
Phone: (801) 532-1500
Facsimile: (801) 532-7543
mbettilyon@rqn.com
emaragakis@rqn.com

G. Stewart Webb, Jr.
VENABLE LLP
1800 Mercantile Bank & Trust Building
2 Hopkins Plaza
Baltimore, Maryland 21201
Phone: (410) 244-7565
Facsimile: (410) 244-7742
gswebb@venable.com

David B. Tulchin
Steven L. Holley
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
Phone: (212) 558-4000
Facsimile: (212) 558-3588
tulchind@sullcrom.com
holleys@sullcrom.com

Attorneys for Microsoft Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September, 2008, I served, by hand-delivery, the foregoing **MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE PLEADINGS, DOCUMENTS, AND ACCOMPANYING EXHIBITS UNDER SEAL** 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 & KARRENBERG
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

Cheryl Wagner