

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION

This Document Relates to:
Novell, Inc. v. Microsoft Corporation,
Civil Action No. JFM-05-1087

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) MDL Docket No. 1332
) Hon. J. Frederick Motz
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NOVELL’S MOTION SEEKING COLLATERAL ESTOPPEL

Plaintiff Novell, Inc., by its undersigned counsel, brings this Motion for an Order giving preclusive effect, under the doctrine of collateral estoppel, to legal rulings and findings of fact made against defendant Microsoft Corporation by the D.C. Circuit in *United States v. Microsoft Corp.*, 253 F.3d 34 (D.C. Cir. 2001) and the D.C. District Court in *United States v. Microsoft Corp.*, 87 F. Supp. 2d 30 (D.D.C. 2000). The grounds for this Motion are set forth in the accompanying memorandum, which Plaintiff incorporates by reference. For the reasons set forth in the accompanying memorandum, Plaintiff hereby requests that the Court grant the instant Motion and enter an Order in a manner similar to the enclosed proposed Order.

Date: April 11, 2008

Respectfully submitted,

By: _____/s/
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