

RECEIVED CLERK

JAN - 7 2005

U.S. DISTRICT COURT

JAN 10 10:52

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

BY:

DEPUTY CLERK

Novell, Inc.,

Plaintiff

v.

Microsoft Corporation,

Defendant.

\* CASE NO. 2:04 CV 1045 TS

\*

\*

\* Appearing on behalf of:

\*

Defendant

\*

\*

(Plaintiff/Defendant)

\*

## MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, John W. Mackay, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: Jan 7, 2005 John W. Mackay 6923  
 (Signature of Local Counsel) (Utah Bar Number)

## APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Thomas W. Burt, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) X a non-resident of the State of Utah or, (ii)     a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates John W. Mackay as associate local counsel.

Date: January 6, 2005. Check here     if petitioner is lead counsel.

Thomas W. Burt  
 (Signature of Petitioner)

FEE PAID

Name of Petitioner: Thomas W. Burt Office Telephone: (425) 703-6323  
 (Area Code and Main Office Number)

Business Address: Microsoft Corporation  
 (Firm/Business Name)  
One Microsoft Way Redmond WA 98052  
 Street City State Zip

15

### **BAR ADMISSION HISTORY**

<b>COURTS TO WHICH ADMITTED</b>	<b>LOCATION</b>	<b>DATE OF ADMISSION</b>
---------------------------------	-----------------	--------------------------

Washington State Bar Association (#9613)	Washington	1979
King County Bar Association (#14091)	Washington	1981
American Bar Association (#962325)	Chicago	1981
U.S. Court of Appeals	District of Columbia	1998
Washington State Courts	Washington	1979
(See attached list)		

(If additional space is needed, attach separate sheet.)

### **PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

<b>CASE TITLE</b>	<b>CASE NUMBER</b>	<b>DATE OF ADMISSION</b>
-------------------	--------------------	--------------------------


Caldera, Inc. v. Microsoft Corp.	2:96CV 0645B	9/17/1996

(If additional space is needed, attach a separate sheet.)

### **ORDER OF ADMISSION**

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 10th day of January, 2005.

  
\_\_\_\_\_  
U.S. District Judge

<u>COURTS TO WHICH ADMITTED</u>	<u>LOCATION</u>	<u>DATE OF ADMISSION</u>
United States District Court for the Western District of Washington	Washington	1979
United States District Court for the Eastern District of Washington	Washington	1981
United States Ninth Circuit Court of Appeals	California	1979

United States District Court  
for the  
District of Utah  
January 10, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-01045

True and correct copies of the attached were either mailed, faxed or e-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  
EMAIL

R. Bruce Holcomb, Esq.  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L ST NW  
WASHINGTON, DC 20037-1526  
EMAIL

James S. Jardine, Esq.  
RAY QUINNEY & NEBEKER  
36 S STATE ST STE 1400  
PO BOX 45385  
SALT LAKE CITY, UT 84145-0385  
EMAIL

David Tulchin, Esq.  
SULLIVAN & CROMWELL  
125 BROAD ST  
NEW YORK, NY 10004

Thomas W. Burt, Esq.  
MICROSOFT CORPORATION  
Bldg 8S/2077  
ONE MICROSOFT WAY  
REDMOND, WA 98052