

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MARYLAND

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5 IN RE MICROSOFT CORP.)
ANTITRUST LITIGATION) MDL Docket

6) No. 1332

This Document Relates to:)

7 Novell, Inc., v. Microsoft)

Corporation,)

8 Civil Action No. JFM-05-1087)

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11 VIDEOTAPED 30(b)(6) DEPOSITION OF NOVELL, INC.,

12 BY AND THROUGH, JAMES F. LUNDBERG,

13 CORPORATE DESIGNEE

14

15 October 30, 2008

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21 Reported by: Lori G. Mackenzie, RPR, CLR, CRR

22 Job No.: 190267

1 MR. JOHNSON: Okay.

2 THE WITNESS: I couldn't speak -- I
3 don't know the answer to that.

4 Because when you say when Novell
5 first contemplated it, I can't -- I'm not here to
6 speak on behalf of Novell relative to that
7 question. So I don't know the answer to it.

8 I know discussions were had. I'm
9 aware that discussions were had solely from the
10 fact that I've seen documents that reference
11 various issues associated with Microsoft's
12 activities, that go back to probably about the
13 1994 time period after I had joined Novell, which
14 would have been the latter half of 1994.

15 MR. JOHNSON: I'd also like to
16 interpose an objection again as to beyond the
17 scope. There is, within the scope, language with
18 respect to this action, but not with respect to
19 all antitrust claims which Novell had or may have
20 contemplated against Microsoft.

21 MR. HOLLEY: Well, I guess we could
22 have an interesting debate about what this action

1 means, but --

2 MR. JOHNSON: Let's not do that.

3 MR. HOLLEY: Okay.

4 MR. JOHNSON: We'd use up the rest
5 of the day.

6 BY MR. HOLLEY:

7 Q. When did you first see a draft
8 complaint prepared for Novell to sue Microsoft
9 about claims relating to PC operating systems?

10 MR. JOHNSON: Objection. Beyond the
11 scope.

12 THE WITNESS: I don't know if I ever
13 did. I don't recall specifically ever having
14 seen that type of complaint.

15 BY MR. HOLLEY:

16 Q. Does Novell, in addition to the
17 archive that you've described earlier in your
18 testimony today, maintain files relating to
19 issues concerning Microsoft's behavior?

20 For example, the provision of
21 technical information to Novell, WordPerfect,
22 about Windows?

1 A. I don't know whether it relates
2 specifically to that topic. But, there is, and
3 there has been maintained, a file of documents
4 that has been referenced as Microsoft's bad acts.

5 Q. I've seen references to this in
6 Novell documents, this "bad acts" file, who
7 maintains that file?

8 A. It's primarily maintained by Ryan
9 Richards. He was involved with more so from a --
10 through the Department of Justice case against
11 Microsoft. He had a much more definitive role in
12 that process.

13 And it was through that process that
14 I believe that file was generated. And whether
15 he had been maintaining that before the
16 Department of Justice case against Microsoft or
17 as a result of, I don't know the answer to that.

18 Q. Okay. Does that file still exist,
19 to your knowledge?

20 A. I believe the documents that were
21 included within that file still exist because
22 they were produced to the Department of Justice.