

CLOSED,PROTO

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:95-cv-01393-WHO2**

USA, et al v. Microsoft Corp, et al  
Assigned to: Hon. William H. Orrick, Jr  
Demand: \$0  
Cause: 28:1337 Sherman-Clayton Act

Date Filed: 04/27/1995  
Date Terminated: 06/07/1995  
Jury Demand: None  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: U.S. Government  
Plaintiff

**Plaintiff**

**USA**

represented by **Anne K. Bingaman**  
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V.

**Defendant**

**Microsoft Corporation**

**Defendant**

**Intuit, Inc.**

**3rd party plaintiff**

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**3rd party plaintiff**

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represented by **David J. Berger**  
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**3rd party plaintiff**

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**3rd party plaintiff**

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**Prodigy Services Co.**

represented by **Molly S. Boast**

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V.

**3rd party defendant**

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**Intervenor**

**U.S. Bancorp**  
*and its subsidiaries, United  
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and United States National Bank  
of Washington*

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/27/1995	1	COMPLAINT for injunctive relief against combination in violation of section 7 of the Clayton Act; No Summons(es) issued; Fee status ex entered on 4/27/95 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 04/28/1995)
04/27/1995	2	ORDER RE COURT PROCEDURE and SCHEDULE by Senior Judge William H. Orrick : Proof of service to be filed by 6/12/95 ; counsels' case management statement to be filed by 8/21/95 ; initial case management conference will be held 2:00 8/31/95 . (cc: all counsel) (tn, COURT STAFF) (Entered: 04/28/1995)
04/28/1995	3	MINUTES: (UNDER SEAL) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/01/1995)
05/02/1995	4	PRETRIAL ORDER No. 1 by Senior Judge William H. Orrick: Pretrial conference set for 10:00 6/22/95 ; Trial will be held 8:30 6/26/95 ; ( Date Entered: 5/3/95) (cc: all counsel) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/03/1995)
05/04/1995	5	MEMORANDUM by Prodigy Svcs Corp in support of application for TRO [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/05/1995)
05/04/1995	6	DECLARATION by Gerard P. Mueller on behalf of Prodigy Svcs Co in support of motion for TRO [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/05/1995)
05/04/1995	7	DECLARATION by Michael D. Stokes on behalf of Prodigy Svcs Co in support of application for TRO and OSC [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/05/1995)
05/04/1995	8	PROOF OF SERVICE by Plaintiff of preliminary witness & topic list [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/05/1995)
05/04/1995	9	PROOF OF SERVICE by Plaintiff of response to first request for production of documents [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/05/1995)
05/05/1995	10	APPLICATION by third-party CompuServe, Inc. for protective order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	10	MEMORANDUM by third-party CompuServe, Inc. in support of application [10-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)

05/05/1995	11	DECLARATION by John Meier in support of application [10-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	12	DECLARATION by Drew H. Campbell on behalf of CompuServe Inc. in support of application for proto [10-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	13	APPLICATION of third-party Charles Schwab & Co. for temporary restraining order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	14	MEMORANDUM by third-party Charles Schwab & Co. in support of application for temporary restraining order [13-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	15	DECLARATION by David J. Berger on behalf of third-party Charles Schwab & Co. in support of application for TRO [13-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	16	DECLARATION by Arthur Shaw on behalf of third-party Charles Schwab & Co. in support of application [13-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995		RECEIVED Order (Charles Schwab & Co. ) re: [13-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	18	JOINDER by third-party Apple Computer Inc. in third-party Charles Schwab & Co's application for temporary restraining order [13-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	19	MOTION by NationsBank Corporation before Senior Judge William H. Orrick to intervene for limited purpose , and for order to limit disclosure of confidential information [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	20	MEMORANDUM by Nationsbank Corp. in support of motion to intervene for limited purpose [19-1], and for order to limit disclosure of confidential information [19-2] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	21	DECLARATION by Mark Ricci on behalf of Nationsbank Corp. in support of motion to intervene for limited purpose [19-1], and for order to limit disclosure of confidential information [19-2] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	22	DECLARATION by Gerard P. Mueller on behalf of Prodigy Services Co in support of motion for temporary restraining order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)

05/05/1995	23	ERRATA to memorandum in support of application for temporary restraining order [5-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	24	MINUTES: ( C/R Roberta Rogers) telephonic status conference held; hearing as to third-parties Charles Schwab & Co, and Prodigy Services Corp's applications for a temporary restraining order set for 5/8/95 at 9:30 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/05/1995	25	PRETRIAL ORDER NO. 2 by Senior Judge William H. Orrick: hearing on all third-party applications for temporary restraining orders and protective orders set for 5/8/95 at 9:30 ( Date Entered: 5/8/95) (cc: all counsel) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/08/1995	17	PROOF OF SERVICE by Charles Schwab & Co. of application for TRO [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/08/1995)
05/08/1995	26	MINUTES: (C/R Roberta Rogers) that the third-party applications for temporary restraining orders and protective orders - held and was submitted; order to be prepared by court [see document for more info.] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)
05/08/1995	27	MOTION by intervenor U.S. Bancopr to intervene , and for protective order with Notice set for 2:00 p.m. on 5/8/95 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)
05/08/1995	28	MEMORANDUM of points and authorities by Intervenor U.S. Bancorp in support of their motion to intervene [27-1], and for protective order [27-2] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)
05/08/1995	29	DECLARATION/AFFIDAVIT of Linda L. Parker on behalf of Intervenor U.S. Bancorp re motion to intervene [27-1], and for protective order [27-2] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)
05/08/1995	30	DECLARATION/AFFIDAVIT of R. Alan Wight on behalf of Intervenor U.S. Bancorp re motion to intervene [27-1], and for protective order [27-2] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)
05/08/1995	31	OPPOSITION by defendants Microsoft Corp. and Intuit, Inc. to third-parties' various emergency applications [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)

05/08/1995	32	PROOF OF SERVICE by Third-party Plaintiffs CompuServe, Inc. and America Online, Inc. of notice of joinder in third-party compuserve, Inc.'s application for protective order and in third-party Prodigy Services, Inc.'s application for temporary restraining order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)
05/08/1995	33	REVISED PROOF OF SERVICE by Third-party Plaintiffs CompuServe, Inc. and America Online, Inc. of Notice of joinder regarding protective order and temporary restraining order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/09/1995)
05/08/1995	37	NOTICE OF JOINDER by Third-party Defendant America Online, Inc. in third-party CompuServe, Inc.'s application for protective order and in third-party Prodigy Services, Inc.'s application for temporary restraining order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/11/1995)
05/09/1995	34	MEMORANDUM by Novell, Inc. in opposition to Microsoft's application for modification of confidentiality stipulation and protective order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/10/1995)
05/09/1995	35	DECLARATION by Edward B. Stead on behalf of Apple Computer, Inc. in support of join/joinder [18-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/10/1995)
05/09/1995	36	PROOF OF SERVICE by Apple Computer, Inc. of declarations [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/10/1995)
05/10/1995	38	SUPPLEMENTAL MEMORANDUM of points and authorities by Third-party Defendant Prodigy Services Co. in support of application for temporary restraining order [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/11/1995)
05/10/1995	39	PROOF OF SERVICE by Intervenor Nationsbank Corp. of motion to intervene for limited purpose and to limit disclosure of confidential information, memorandum, declaration of Mark Ricci in support thereof [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/11/1995)
05/11/1995	40	PRETRIAL ORDER NO. 3 by Senior Judge William H. Orrick for confidentiality and protective order ( Date Entered: 5/12/95) (cc: all counsel) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/12/1995)
05/12/1995	41	LETTER dated 5/12/95 from David W. Slaby [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/15/1995)

05/12/1995	42	LETTER from Judge Orrick dated 5/12/95 in response to David Slaby's letter of 5/12/95 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/15/1995)
05/12/1995	43	RESPONSE by Plaintiff to defendants' letter of 5/4/95 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/15/1995)
05/12/1995	44	REPORTER'S TRANSCRIPT; Date of proceedings: 5/8/95 ( C/R: Roberta Rogers) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/15/1995)
05/16/1995	45	NOTICE by third-party Michigan National Bank's designation of confidential documents and deposition transcript references [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/17/1995)
05/16/1995	46	PROOF OF SERVICE by 3d-party Michigan National Bank of designation of documents... [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/17/1995)
05/18/1995	47	WAIVER OF SERVICE of summons by defendant Microsoft Corp served on 4/27/95 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/19/1995)
05/19/1995	48	MOTION before Senior Judge William H. Orrick by Plaintiff to modify pretrial order no. 1 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/22/1995)
05/19/1995	49	MOTION before Senior Judge William H. Orrick by Plaintiff for expedited hearing and briefing schedule on the motion to modify pretrial order no. 1 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/22/1995)
05/19/1995	50	MEMORANDUM by Plaintiff in support of motion to modify pretrial order no. 1 [48-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/22/1995)
05/19/1995	52	PROOF OF SERVICE by Plaintiff of motion to modify, etc. [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/22/1995)
05/23/1995	53	NOTICE by Apple Computer, Inc. of attorneys appearances [3:95-cv-01393] (tn, COURT STAFF) (Entered: 05/24/1995)
06/07/1995	54	STIPULATION and ORDER by Senior Judge William H. Orrick: that Microsoft and Intuit entered into an agreement dated 5/19/95 terminating the merger agreement entered into by Microsoft and Intuit dated 10/13/94 (the "Merger Agreement"); that Microsoft and Intuit withdraw the notifications and report filed by each to the Hart-

		Scott-Rodino Antitrust Improvements Act of 1976; and that dismissing case without prejudice, each side to bear its own costs and attorneys' fees (cc: all counsel) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 06/08/1995)
06/26/1995	55	REPORTER'S TRANSCRIPT; Date of proceedings: 5/8/95 (C/R: Roberta L. Rogers) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 06/28/1995)
06/27/1995	56	NOTICE OF MOTION AND MOTION by Plaintiff for expedited hearing and briefing schedule on the government's motion to modify pretrial order number 3 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 06/28/1995)
06/27/1995	57	NOTICE OF MOTION by Plaintiff USA to modify pretrial order no. 3 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 06/28/1995)
06/27/1995	58	MEMORANDUM by Plaintiff in support of their motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 06/28/1995)
06/27/1995	59	PROOF OF SERVICE by Plaintiff of documents #: 56-58 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 06/28/1995)
06/30/1995	60	ORDER by Senior Judge William H. Orrick setting hearing on defendant's motion to modify pretrial order no. 3 [57-1] at 2:00 p.m. on 8/2/95; granting defendant's motion for expedited hearing and briefing schedule on the government's motion to modify pretrial order number [56-1] [see order for more info.] (cc: all counsel) [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/05/1995)
07/06/1995	61	STATEMENT of non-opposition by defendant Intuit Inc. to plaintiff USA's motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/07/1995)
07/07/1995	62	PROOF OF SERVICE by Plaintiff USA of court's order setting a briefing schedule for the government's motion to modify pretrial order no. 3 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/10/1995)
07/12/1995	63	RESPONSE by Third-party Plaintiff Apple Computer, Inc. to plaintiff's motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/13/1995)
07/12/1995	64	PROOF OF SERVICE by Third-party Plaintiff Apple Computer, Inc. of document #: 63 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/13/1995)

07/13/1995	65	MEMORANDUM OF OBJECTIONS by Intervenor/Third-party U.S. Bancorp and its subsidiaries U.S. National Bank of Oregon and U.S. National Bank of Washington to plaintiff's motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/17/1995)
07/14/1995	66	RESPONSE by Non-party/Third-party Plaintiff Charles Schwab & Co., Inc. to plaintiff's motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/17/1995)
07/14/1995	67	OPPOSITION by Third-party Computer Association International to plaintiff's motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/17/1995)
07/14/1995	68	MEMORANDUM IN RESPONSE by Intervenor Nationsbank Corp. and its subsidiaries to plaintiff's motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/17/1995)
07/14/1995	69	PROOF OF SERVICE by Intervenor Nationsbank Corp. and its subsidiaries of document #: 68 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/17/1995)
07/14/1995	70	OPPOSITION by defendant Microsoft Corp. to plaintiff's motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/17/1995)
07/14/1995	71	PROOF OF SERVICE by defendant Microsoft Corp of document #: 70 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/17/1995)
07/21/1995	72	REPLY MEMORANDUM by Plaintiff in support of its motion to modify pretrial order no. 3 [57-1] [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/25/1995)
07/21/1995	73	PROOF OF SERVICE by Plaintiff of document #: 72 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 07/25/1995)
07/28/1995	74	SURREPLY by defendant Microsoft Corp. to plaintiff's reply memorandum in support of motion to modify pretrial order number 3 [3:95-cv-01393] (tn, COURT STAFF) (Entered: 08/02/1995)
08/02/1995	75	MINUTES: (C/R Jim Yeomans) that the plaintiff's motion to modify pretrial order no. 3 [57-1] is submitted [3:95-cv-01393] (tn, COURT STAFF) (Entered: 08/07/1995)
10/11/1995	76	MEMORANDUM OPINION, AND ORDER: by Senior Judge William H. Orrick: The Court finds an ambiguity in PTO 3 concerning paragraphs B and N. Good cause has been shown,

		pursuant to paragraph O of PTO 3, to allow the Court to modify the Order. The savings clause in paragraph B.1 shall apply to the entire Order and not just the particular "provision" in which it is found. The USA may, in its sole discretion, retain the copies of the original documents and answers to interrogatories that were submitted by the depts pursuant to the HSR Act (refer to Order for additional information) ( Date Entered: 10/13/95) (cc: all counsel) [3:95-cv-01393] (ls, COURT STAFF) (Entered: 10/13/1995)
11/03/1995	77	NOTICE OF MOTION AND MOTION before Senior Judge William H. Orrick by Plaintiff for stipulated order regarding return of intuit documents [3:95-cv-01393] (ls, COURT STAFF) (Entered: 11/14/1995)
11/03/1995	78	PROOF OF SERVICE by Plaintiff of Notice of Motion for Stipulated Order re return of intuit documents and Proposed Order. [3:95-cv-01393] (ls, COURT STAFF) (Entered: 11/14/1995)
11/06/1995	79	STIPULATION and ORDER by Senior Judge William H. Orrick: The pltf need not return subject documents pursuant to 10/11/95 Order; Pltf shall promptly destroy the Subject Documents by shredding or burning, consistent with the Antitrust Division document handling procedures set forth in Dept. Directive 2710.1 (20)(a); and Pltf shall otherwise comply with the provisions of the 10/11/95 Order as regards copies of Subject Documents and other materials produced by deft Intuit, Inc. that may be retained by pltf. [77-1] (cc: all counsel) [3:95-cv-01393] (ls, COURT STAFF) (Entered: 11/14/1995)
12/20/1995	80	REPORTER'S TRANSCRIPT; Date of proceedings: 8/2/95 ( C/R: James Yeomans) [3:95-cv-01393] (cs, COURT STAFF) (Entered: 12/22/1995)



