
**UNITED STATES DISTRICT COURT
for the District of Utah
Central Division**

Novell, Inc.,	*	
Plaintiff,	*	
	*	[PROPOSED] ORDER
v.	*	
	*	
Microsoft Corporation,	*	Case No. 2:04-cv-01045-JFM
Defendant.	*	Hon. J. Frederick Motz

**[PROPOSED] ORDER GRANTING NOVELL'S
RENEWED MOTION SEEKING COLLATERAL ESTOPPEL**

THIS MATTER having come before this Court on Novell's Renewed Motion Seeking Collateral Estoppel ("Novell's Motion"), and the Court having reviewed the parties' submissions and the record, it is hereby

ORDERED, that Novell's Motion is GRANTED; and

FURTHER ORDERED, that

1. the Court grants preclusive effect to the Conclusions of Law listed in Appendix A to Novell's Motion, which the Court attaches hereto;
2. the Court grants preclusive effect to the Findings of Fact listed in Appendix C to Novell's Motion, which the Court attaches hereto; and
3. the Court reserves for a later day a determination regarding the exact method to be used to convey the Conclusions of Law in Appendix A and the Findings of Fact in Appendix B to the jury.

J. Frederick Motz
United States District Judge