## **APPENDIX C**

## SUMMARY TABLE OF FINDINGS OF FACT LISTED IN APPENDIX A TO MICROSOFT'S BRIEF IN OPPOSITION TO NOVELL'S COLLATERAL ESTOPPEL MOTION

FINDINGS	FINDINGS	FINDINGS	FINDINGS OF	FINDINGS OF
OF FACT	OF FACT	OF FACT	FACT	FACT
REQUESTED	ALSO	Not	CONTESTED BY	CONTESTED BY
IN	REQUESTED	CONTESTED	MICROSOFT:	MICROSOFT:
Novell's	IN	BY	NOT CRITICAL	Not
RENEWED	NOVELL'S	MICROSOFT	AND	MATERIAL
MOTION <sup>1</sup>	2008		NECESSARY	
2	MOTION	37		
2	X	X		
4	X	X		
6	X	X		
7	X	X		
8	X	X		
9	X	X		
10	X	X		
17			X	X
18	X	X		
20			X	
28			X	
29			X	
30	X	X		
31	X	X		
32			X	
33	X	X		
34	X	X		
35	X	X		
36	X	X		
37	X	X		
38	X	X		
39	X	X		
42			X	
44	X		X	
55	X		X	
56			X	
59			X	
60			X	

The Findings of Fact noted in bold are the 21 Findings of Fact on which the Court granted collateral estoppel effect in its December 2008 Decision.

FINDINGS	FINDINGS	FINDINGS	FINDINGS OF	FINDINGS OF
OF FACT	OF FACT	OF FACT	FACT	FACT
REQUESTED	ALSO	Not	CONTESTED BY	CONTESTED BY
IN	REQUESTED	CONTESTED	MICROSOFT:	MICROSOFT:
NOVELL'S	IN	BY	NOT CRITICAL	Not
RENEWED	Novell's	MICROSOFT	AND	MATERIAL
MOTION <sup>1</sup>	2008		NECESSARY	
	MOTION		37	
66	X		X	V
67	***		X	X
68	X		X	X
69			X	X
70			X	X
71			X	X
72	X		X	X
73			X	X
74	X		X	X
75	X		X	X
76	X		X	X
77	X		X	X
78			X	X
80	X		X	X
84	X		X	X
90	X		X	X
91	X		X	X
92	X		X	X
93	X		X	X
94			X	X
95			X	X
99			X	X
100			X	X
101			X	X
102			X	X
115	X		X	X
116	X		X	X
119	X		X	X
120	X		X	X
121	X		X	X
122	X		X	X
123	X		X	X
124	X		X	X
125	X		X	X
132	X		X	X
141	11		X	X
142			X	X
143			X	X
143		<u> </u>	Λ	Λ

FINDINGS	FINDINGS	FINDINGS	FINDINGS OF	FINDINGS OF
OF FACT	OF FACT	OF FACT	FACT	FACT
REQUESTED	ALSO	Not	CONTESTED BY	CONTESTED BY
IN	REQUESTED	CONTESTED	MICROSOFT:	MICROSOFT:
NOVELL'S	IN	BY	NOT CRITICAL	NOT
RENEWED	NOVELL'S	MICROSOFT	AND	MATERIAL
MOTION <sup>1</sup>	2008 MOTION		NECESSARY	
144	X			X
145	X			X
148	X			X
156	71		X	X
157	X		X	X
158	X		X	X
159	X		71	X
160	X		X	X
161	X		Λ	X
164	X			X
166	X		X	X
203	X		X	X
204	Α		X	X
205			X	X
206			X	X
208	X		X	X
213	X		Λ	X
213	Λ		X	X
214			X	X
			X	X
221			X	X
222	37			
227	X		X	X
239	X		37	X
241			X	X
337			X	X
339			v	X
340			X	X
377	37		X	X
386	X		X	X
394	X		37	X
395	X		X	X
407	X		X	X
409			X	X
410	**		X	X
411	X		X	X
412	X		X	X
TOTALS:	63	17	74	73