

**APPENDIX C**

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

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

<sup>1</sup> 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.

<b>FINDINGS OF FACT REQUESTED IN NOVELL'S RENEWED MOTION<sup>1</sup></b>	<b>FINDINGS OF FACT ALSO REQUESTED IN NOVELL'S 2008 MOTION</b>	<b>FINDINGS OF FACT NOT CONTESTED BY MICROSOFT</b>	<b>FINDINGS OF FACT CONTESTED BY MICROSOFT: NOT CRITICAL AND NECESSARY</b>	<b>FINDINGS OF FACT CONTESTED BY MICROSOFT: NOT MATERIAL</b>
66	X		X	
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			X	X
142			X	X
143			X	X

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