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ATTEST FOR THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

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DOCKET NO. 1332

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE MICROSOFT CORP. WINDOWS OPERATING SYSTEMS ANTITRUST LITIGATION

Novell, Inc. v. Microsoft Corp., D. Utah, C.A. No. 2:04-1045 JFM-05-1087

BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR., KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL

TRANSFER ORDER

Before the Panel is a motion brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiff in a District of Utah action (*Novell*). Plaintiff asks the Panel to vacate a Panel order conditionally transferring *Novell* to the District of Maryland for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge J. Frederick Motz. Defendant Microsoft Corp. supports transfer of the action.

On the basis of the papers filed and hearing session held, the Panel finds that *Novell* involves common questions of fact with actions in this litigation previously transferred to the District of Maryland, and that transfer of *Novell* to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel is persuaded that transfer is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. The Panel held that the District of Maryland was a proper Section 1407 forum for actions involving allegations pertaining to Microsoft's alleged anticompetitive conduct in a purported market for personal computer operating systems. See *In re Microsoft Corp. Windows Operating Systems Antitrust Litigation*, MDL-1332, 2000 U.S. Dist. Lexis 5559 (J.P.M.L. Apr. 25, 2000).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the District of Maryland and, with the consent of that court, assigned to the Honorable J. Frederick Motz for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

I hereby attest and certify on 4-21-05 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

FELICIA G. CANNON
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

By [Signature] Deputy

FOR THE PANEL:

[Signature]

Wm. Terrell Hodges
Chairman

[Signature]

*Judge Motz took no part in the decision of this matter.