

ATTACHMENT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

NOVELL, INC.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

DEFENDANT'S PROPOSED GROUP VOIR DIRE

Microsoft, through undersigned counsel, respectfully requests that, in addition to the supplemental juror questionnaire, the Court read the following statement of the case to the jury panel and the Court and/or Attorneys ask the proposed following voir dire questions.

DEFENDANT'S PROPOSED CASE STATEMENT

The plaintiff in this case is Novell and the defendant is Microsoft. Novell and Microsoft both develop and market products for computers, including computer software. From June 1994 until March 1, 1996, Novell owned a word processing application called WordPerfect and a spreadsheet application called Quattro Pro. During that same time and other relevant times, Microsoft also owned and developed a word processing application called Microsoft Word, a spreadsheet application called Microsoft Excel and a suite of business productivity applications called Microsoft Office. When Novell bought WordPerfect and Quattro Pro in June 1994, Microsoft was developing a new operating system called Windows 95, which first went on sale in August 1995.

Novell claims that Microsoft maintained a monopoly in the PC operating system market by engaging in anticompetitive conduct directed against WordPerfect, Quattro Pro. Novell also asserts that as a result of anticompetitive conduct directed against its business applications (WordPerfect and Quattro Pro), the release of those products was delayed. Novell also claims that the same conduct by Microsoft causes harm in the market for PC operating systems (the market in which Windows 95 competed).

Microsoft denies the allegations that it engaged in anticompetitive conduct that caused harm to Novell's products. Microsoft asserts that its conduct was justified by lawful business objectives and valid technical reasons. Microsoft further asserts that Novell's

products failed due to, among other things, mistakes made by WordPerfect Corporation before it was purchased by Novell and by Novell after it owned the company. In addition, Microsoft disputes that its conduct caused any injury in the market for PC operating systems.

VOIR DIRE QUESTIONS

Thank you for completing the juror questionnaire a few weeks ago. We appreciate your candor and willingness to serve as a juror in this trial. I have a few follow up questions for all of you. If I ask about a subject that you would like to answer privately, you can let me know and we'll accommodate your request.

1. Other than what you have heard in the brief case description, does anyone know or has anyone heard anything about this lawsuit? What have you heard?
2. Please raise your hand if you indicated on your questionnaire you own your own business. What is the business? Who runs it? How many employees do you have?
3. Raise your hand if you have any special training or experience in business mergers and acquisitions. What is your training and/or experience?
4. Raise your hand if you have any special training or experience with information technology, software development or computers. What is your experience and with whom?
5. Do you have any experience with, or expertise in the antitrust laws? If so, please describe the proceeding or expertise and your involvement or your business organization's involvement.
6. Have you, or any business organization with which you are, or have been connected, ever been involved in an antitrust investigation or lawsuit?
7. There have been some stories in the news over the past few years about companies having monopolies in the marketplace. What have you heard? Does anyone have a strong opinion about monopolies today? What is your opinion?
8. Please raise your hand if you have ever heard whether companies accused Novell or Microsoft of having a monopoly. What have you heard?
9. For those that indicated they had financial interest in a company that provided information technology support or computer services, please describe your investment and/or interest.

10. Some of you indicated in your questionnaire you have had a bad experience with a large corporation? Can you please raise your hand? Would you mind telling us a little more about what happened?
11. How many of you were familiar with the company WordPerfect Corporation? Is there anyone here who had dealings directly with the company?
12. Please raise your hand if you remember or are aware Novell purchased WordPerfect in 1994? Please tell us what you recall?
13. Is there anyone here who has had dealings (other than simply using its products) with the plaintiff, Novell; the defendant, Microsoft?
14. Is there anyone here who is related to or has had dealings with the following people who may testify at trial: [Need names]
15. The attorneys for the Novell in this case are [insert list]. Do you know any of the attorneys or have you had any dealings of any kind with them?
16. The attorneys for Microsoft in this case are [insert list]. Do you know any of the attorneys or have you had any dealings of any kind with them?
17. Is there anyone who has philosophical, religious or other beliefs that would prevent you from sitting and passing judgment on another person?
18. Is there anyone who believes there is something about the kind of case that I described to you that would prevent you from being fair and impartial to all parties in this case?
19. Do you know or have you previously met any other members of the jury panel?
20. Is there any additional information that came to mind after you completed your written questionnaire which may have some bearing on your service as a juror in this case?

Respectfully Submitted,

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