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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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NOVELL, INC.,

Plaintiff,

-v-

MICROSOFT CORPORATION,

Defendant.

MICROSOFT'S MOTION FOR  
JUDGMENT AS A MATTER OF LAW

Civil No. 2:04 CV 1045  
Honorable J. Frederick Motz

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November 17, 2011

Pursuant to Federal Rule of Civil Procedure 50(a) and District of Utah Civil Rule 7-1(a), Defendant Microsoft Corporation (“Microsoft”) hereby moves for judgment as a matter of law now that Plaintiff Novell, Inc. has rested.

For the reasons set forth in Microsoft’s Memorandum in Support of its Motion for Judgment as a Matter of Law, and the reasons stated in open Court, Microsoft respectfully requests that the Court grant this motion and enter judgment in favor of Microsoft.

Dated: November 17, 2011

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of November, 2011, I caused a true and correct copy of the foregoing MICROSOFT'S MOTION FOR JUDGMENT AS A MATTER OF LAW, the memorandum of law in support thereof and the accompanying declaration and exhibits, to be filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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