

## DICKSTEINSHAPIRO<sub>LLP</sub>

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December 12, 2011

### **Via Electronic Filing**

The Honorable J. Frederick Motz  
United States District Judge  
United States District Court of the District of Utah  
U.S. Courthouse – Room 510  
101 West Lombard Street  
Baltimore, MD 21201

**Re: Response to Microsoft's letter of December 12, 2011 regarding jury instructions  
Novell, Inc. v. Microsoft Corp., 2:04-cv-01045-JFM (D. Utah)**

Dear Judge Motz:

I write in response to Microsoft's letter of December 12, 2011 regarding the Court's jury instructions and verdict form. We have no objection to Microsoft's proposed changes, except that we believe that the phrase "or both" should be added as we have indicated in the attached "redlined" jury instructions and verdict form.

Very truly yours,

/s/ Jeffrey M. Johnson

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cc: John Schmidlein, Esq.  
David B. Tulchin, Esq.