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Attorneys for Microsoft Corporation

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

NOVELL, INC.,

Plaintiff,

-v-

MICROSOFT CORPORATION,

Defendant.

MICROSOFT'S PROPOSED SPECIAL
VERDICT FORM

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

December 5, 2011

MICROSOFT'S PROPOSED SPECIAL VERDICT FORM

Microsoft respectfully submits this proposed special verdict form pursuant to Rule 49 of the Federal Rules of Civil Procedure. Microsoft requests an opportunity to amend or supplement its proposed special verdict form prior to the time that the Court charges the Jury.

Dated: December 5, 2011

Respectfully Submitted,

/s/ James S. Jardine

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SPECIAL VERDICT FORM

A. Anticompetitive Conduct

1. Has Novell proven by a preponderance of the evidence that Microsoft engaged in anticompetitive conduct by the decision to withdraw support for the namespace extension APIs?

_____ Yes _____ No

If you answered **NO** to Question #1, skip to the last page and have your foreperson date and sign this verdict form.

If you answered **YES** to Question #1, proceed to Question #2.

B. Injury to Novell's Applications

2. Has Novell proven by a preponderance of the evidence that Microsoft's decision to withdraw support for the namespace extension APIs caused Novell's productivity applications (WordPerfect, Quattro Pro and PerfectOffice) to be late to the market?

_____ Yes _____ No

If you answered **NO** to Question #2, skip to the last page and have your foreperson date and sign this verdict form.

If you answered **YES** to Question #2, proceed to Question #3.

3. Has Novell proven by a preponderance of the evidence that, but for Microsoft's decision to withdraw support for the namespace extension APIs, Novell's productivity applications (WordPerfect, Quattro Pro and PerfectOffice) would have been released to the market either about the time that Windows 95 was released (August 24, 1995), or within a substantially short time period thereafter to take advantage of that event?

_____ Yes _____ No

If you answered **NO** to Question #3, skip to the last page and have your foreperson date and sign this verdict form.

If you answered **YES** to Question #3, proceed to Question #4.

C. **Harm to Competition in the PC Operating System Market**

4. Has Novell proven by a preponderance of the evidence that the delay caused to Novell by Microsoft's decision to withdraw support for the namespace extension APIs also caused harm to competition in the market for PC operating systems and contributed significantly to the maintenance of Microsoft's monopoly in that market?

_____ Yes _____ No

If you answered **NO** to Question #4, skip to the last page and have your foreperson date and sign this verdict form.

If you answered **YES** to Question #4, proceed to Question #5.

D. Damages

You should answer the following questions **ONLY** if you answered **YES** to each of Questions #1, 2, 3 and 4.

5. What is the fair amount of damages, if any, caused to Novell by Microsoft's decision to withdraw support for the namespace extension APIs?

\$ _____

Please have your foreperson date and sign this verdict form.

Jury Foreperson

Dated: December ____, 2011

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2011, I filed true and correct copy of the foregoing Microsoft's Proposed Special Verdict Form using the CM/ECF system, which will send notification of such filing to the following:

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