

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

September 23, 2013

FOR THE TENTH CIRCUIT

**Elisabeth A. Shumaker
Clerk of Court**

NOVELL, INC.,

Plaintiff - Appellant,

v.

MICROSOFT CORPORATION,

Defendant - Appellee.

No. 12-4143
(D.C. No. 2:04-CV-01045-JFM)

JUDGMENT

Before **KELLY, GORSUCH, and HOLMES**, Circuit Judges.

This case originated in the District of Utah and was argued by counsel.

The judgment of that court is affirmed.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk