

**General Docket  
Tenth Circuit Court of Appeals**

<b>Court of Appeals Docket #:</b> 12-4143 <b>Nature of Suit:</b> 3410 Antitrust Novell v. Microsoft Corporation <b>Appeal From:</b> United States District Court for the District of Utah - Salt Lake City <b>Fee Status:</b> Fee Paid	<b>Docketed:</b> 08/10/2012 <b>Termed:</b> 09/23/2013		
<b>Case Type Information:</b> 1) civil 2) private 3) -			
<b>Originating Court Information:</b> <b>District:</b> 1088-2 : <a href="#">2:04-CV-01045-JFM</a> <b>Court Reporter:</b> Kelly Hicken, - <b>Court Reporter:</b> Becky Janke, - <b>Court Reporter:</b> Laura Robinson, - <b>Court Reporter:</b> Patti Walker, - <b>Court Reporter:</b> R. Edward Young, - <b>Trial Judge:</b> J. Frederick Motz, -, Senior U.S. District Judge <b>Date Filed:</b> 11/12/2004 <table style="width: 100%;"> <tr> <td style="width: 50%;"><b>Date NOA Filed:</b> 08/10/2012</td> <td style="width: 50%; text-align: right;"><b>Date Rec'd COA:</b> 08/10/2012</td> </tr> </table>		<b>Date NOA Filed:</b> 08/10/2012	<b>Date Rec'd COA:</b> 08/10/2012
<b>Date NOA Filed:</b> 08/10/2012	<b>Date Rec'd COA:</b> 08/10/2012		
<b>Prior Cases:</b> None			
<b>Current Cases:</b> None			
<b>Panel Assignment:</b> Not available			

NOVELL, INC. Plaintiff - Appellant	<p>David Boies          Direct: 914-749-8200          Email: <a href="mailto:dboies@bsflp.com">dboies@bsflp.com</a>          [NTC Retained]          Boies, Schiller &amp; Flexner          Firm: 914-749-8200          333 Main Street          Armonk, NY 10504</p> <p>Maralyn M. English          Direct: 801-322-9173          Email: <a href="mailto:mme@scmlaw.com">mme@scmlaw.com</a>          [NTC Retained]          Snow, Christensen &amp; Martineau          Firm: 801/521-9000          10 Exchange Place, 11th Floor          P.O. Box 45000          Salt Lake City, UT 84145-5000</p> <p>R. Bruce Holcomb          Email: <a href="mailto:holcomb@adamsholcomb.com">holcomb@adamsholcomb.com</a>          [NTC Retained]          Adams Holcomb          1875 Eye Street, NW, Suite 810          Washington, DC 20006</p> <p>Jeffrey M. Johnson          Direct: 202-420-4726          Email: <a href="mailto:johnsonj@dicksteinshapiro.com">johnsonj@dicksteinshapiro.com</a>          [NTC Retained]          Dickstein Shapiro</p>
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v.

MICROSOFT CORPORATION  
Defendant - Appellee

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













NOVELL, INC.,






















Plaintiff - Appellant,

v.





































MICROSOFT CORPORATION,





Defendant - Appellee.

08/10/2012	 169 pg, 900.85 KB	[9992107] Civil case docketed. Preliminary record filed. DATE RECEIVED: 08/10/2012 Docketing statement due 08/24/2012 for Novell, Inc. Transcript order form due 08/24/2012 for Maralyn M. English. Notice of appearance due on 08/24/2012 for Microsoft Corporation and Novell, Inc. [12-4143]
08/22/2012		[9995095] Notice of appearance submitted by David B. Tulchin for Appellee Microsoft Corporation for court review. Certificate of Interested Parties: Yes. Served on 08/22/2012. Manner of Service: ECF/NDA. [12-4143]--[Edited 08/22/2012 by SLS to remove PDF file from docket entry.] DBT
08/22/2012	 5 pg, 69.08 KB	[9995141] Notice of appearance filed by Mr. David Bruce Tulchin for Microsoft Corporation. CERT. OF INTERESTED PARTIES: y. Served on 08/22/2012. Manner of Service: FedEx. [12-4143]
08/23/2012		[9995304] Notice of appearance submitted by Steven L. Holley for Appellee Microsoft Corporation for court review. Certificate of Interested Parties: No. Served on 08/23/2012. Manner of Service: ECF/NDA. [12-4143] [Edited to remove PDF as pleading has been filed as of 8/23/12]--[Edited 08/23/2012 by NA] SLH
08/23/2012	 1 pg, 50.66 KB	[9995317] Notice of appearance filed by Mr. Steven L. Holley for Microsoft Corporation. CERT. OF INTERESTED PARTIES: n. Served on 08/23/2012. Manner of Service: ECF/NDA [12-4143]
08/23/2012	 152 pg, 1.11 MB	[9995456] Docketing statement filed by Novell, Inc.. Served on 08/23/2012. Manner of Service: ECF/NDA. [12-4143] JMJ
08/23/2012	 5 pg, 19.34 KB	[9995462] Acknowledgment of transcript order filed by Mr. Jeffrey M. Johnson for Novell, Inc.. Transcript ordered: See filed document.. Served on: 08/23/2012. Manner of Service: ECF/NDA. [12-4143] JMJ
08/23/2012		[9995463] Notice of appearance submitted by Adam S. Paris for Appellee Microsoft Corporation for court review. Certificate of Interested Parties: No. Served on 08/23/2012. Manner of Service: ECF/NDA.--[Edited 08/23/2012 by BV - To delete the attachment; entry filed.] [12-4143] ASP
08/23/2012		[9995467] Minute order filed - Transcript order form due 09/06/2012 for Kelly Hicken, Becky Janke, Laura Robinson, Patti Walker and R. Edward Young. (Multiple court reporters listed on transcript order form). (Text Only - No Attachment) [12-4143].
08/23/2012	 1 pg, 29.94 KB	[9995469] Notice of appearance filed by Mr. Adam S. Paris for Microsoft Corporation. CERT. OF INTERESTED PARTIES: n. Served on 08/23/2012. Manner of Service: ECF/NDA. [12-4143]
08/24/2012		[9995787] Notice of appearance submitted by Jeffrey M. Johnson and James R. Martin for Appellant Novell, Inc. for court review. Certificate of Interested Parties: Yes. Served on 08/24/2012. Manner of Service: ECF/NDA. [12-4143]--[Edited 08/24/2012 by AT to remove PDF as pleading was filed on 8/24/12.] JMJ
08/24/2012		[9995789] Notice of appearance submitted by Miriam R. Vishio for Appellant Novell, Inc. for court review. Certificate of Interested Parties: No. Served on 08/24/2012. Manner of Service: ECF/NDA. [12-4143]--[Edited 08/24/2012 by SLS to remove PDF file from docket entry.] JMJ
08/24/2012		[9995797] Notice of appearance submitted by John E. Schmidlein for Appellant Novell, Inc. for court review. Certificate of Interested Parties: No. Served on 08/24/2012. Manner of Service: ECF/NDA. [12-4143]--[Edited 08/24/2012 by KLP to delete the attachment; entry filed.] JMJ
08/24/2012		[9995798] Notice of appearance submitted by R. Bruce Holcomb for Appellant Novell, Inc. for court review. Certificate of Interested Parties: No. Served on 08/24/2012. Manner of Service: ECF/NDA. [12-4143] [Edited to remove PDF as pleading has been filed as of 8/24/12]--[Edited 08/24/2012 by NA] JMJ
08/24/2012	 2 pg, 77.18 KB	[9995811] Notice of appearance filed by John E. Schmidlein for Novell, Inc. CERT. OF INTERESTED PARTIES: n. Served on 08/24/2012. Manner of Service: ECF/NDA and FedEx. [12-4143]
08/24/2012	 2 pg, 78.62 KB	[9995829] Notice of appearance filed by Miriam R. Vishio for Novell, Inc. CERT. OF INTERESTED PARTIES: n. Served on 08/24/2012. Manner of Service: ECF/NDA, FedEx. [12-4143]
08/24/2012	 5 pg, 189.85 KB	[9995840] Notice of appearance filed by Mr. Jeffrey M. Johnson for Novell, Inc. and James R. Martin for Novell, Inc.. CERT. OF INTERESTED PARTIES: y (Most of the Parties listed are or were counsel of record). Served on 08/24/2012. Manner of Service: ECF/NDA. [12-4143]
08/24/2012	 2 pg, 78.07 KB	[9995851] Notice of appearance filed by R. Bruce Holcomb for Novell, Inc.. CERT. OF INTERESTED PARTIES: n. Served on 08/24/2012. Manner of Service: ECF/NDA [12-4143]
08/24/2012		[9995869] Notice of appearance submitted by Max D. Wheeler, Maralyn M. English for Appellant Novell, Inc. for court review. Certificate of Interested Parties: No. Served on 08/24/2012. Manner of Service: ECF/NDA. [12-4143]--[Edited 08/24/2012 by AT to remove PDF as pleading was filed on 8/24/12.] MME
08/24/2012	 2 pg, 155.6 KB	[9995882] Notice of appearance filed by Ms. Maralyn M. English and Mr. Max D. Wheeler for Novell, Inc.. CERT. OF INTERESTED PARTIES: n. Served on 08/24/2012. Manner of Service: ECF/NDA. [12-4143]

08/28/2012		[9996524] Notice of appearance submitted by Sharon L. Nelles for Appellee Microsoft Corporation for court review. Certificate of Interested Parties: No. Served on 08/28/2012. Manner of Service: ECF/NDA. [12-4143] --[Edited 08/28/2012 by AT to remove PDF as pleading was filed on 8/28/12.] SN
08/28/2012	 1 pg, 59.61 KB	[9996582] Notice of appearance filed by Ms. Sharon Nelles for Microsoft Corporation. CERT. OF INTERESTED PARTIES: n. Served on 08/28/2012. Manner of Service: ECF/NDA. [12-4143]
08/28/2012		[9996688] Notice of appearance submitted by James S. Jardine Justin T. Toth John W. Mackay for Appellee Microsoft Corporation for court review. Certificate of Interested Parties: No. Served on 08/28/2012. Manner of Service: ECF/NDA. [12-4143]--[Edited 08/29/2012 by KLP to delete the attachment; entry filed.] JSJ
08/29/2012	 3 pg, 105.96 KB	[9996748] Notice of appearance filed by Mr. James S. Jardine, Mr. John Wendell Mackay and Mr. Justin Toth for Microsoft Corporation. CERT. OF INTERESTED PARTIES: n. Served on 08/29/2012. Manner of Service: ECF/NDA. [12-4143]
09/11/2012	 1 pg, 101.55 KB	[10000174] Filed notice record is complete. Served on 09/11/2012. Appellant's brief and appendix due on 10/22/2012 for Novell, Inc. [12-4143]
09/14/2012	 2 pg, 16.02 KB	[10001695] Notice of Mediation Conference filed by the Tenth Circuit Mediation Office. Case is referred for mediation conferencing; conference scheduled for Friday, September 28, 2012 at 10:00 a.m. Mountain Daylight Time. Please review the attached Notice for additional information. [12-4143]
09/18/2012		[10002544] Notice of appearance submitted by David Boies & Joshua Schiller for Appellant Novell, Inc. for court review. Certificate of Interested Parties: No. Served on 09/18/2012. Manner of Service: ECF/NDA. [12-4143] --[Edited 09/18/2012 by AT to remove PDF as pleading was filed on 9/18/12.] JIS
09/18/2012	 1 pg, 62.74 KB	[10002585] Notice of appearance filed by Mr. Joshua I. Schiller and Mr. David Boies for Novell, Inc. CERT. OF INTERESTED PARTIES: n. Served on 09/18/2012. Manner of Service: ECF/NDA. [12-4143]
09/18/2012		[10002646] Notice of appearance submitted by Samuel Kaplan for Appellant Novell, Inc. for court review. Certificate of Interested Parties: No. Served on 09/18/2012. Manner of Service: ECF/NDA. [12-4143]--[Edited 09/18/2012 by KLP to delete the attachment; entry filed.] SK
09/18/2012	 2 pg, 73.62 KB	[10002668] Notice of appearance filed by Mr. Samuel Kaplan for Novell, Inc. CERT. OF INTERESTED PARTIES: n. Served on 09/18/2012. Manner of Service: ECF/NDA and Federal Express. [12-4143]
09/19/2012	 2 pg, 20.64 KB	[10002846] Admissions letter sent. Response date set to 10/19/2012 for Joshua I. Schiller. [12-4143]
09/19/2012		[10003067] Notice of appearance submitted by Stuart Singer for Appellant Novell, Inc. for court review. Certificate of Interested Parties: No. Served on 09/19/2012. Manner of Service: ECF/NDA. [12-4143] --[Edited 09/19/2012 by SLS to remove PDF file from docket entry.] SHS
09/19/2012	 2 pg, 65.21 KB	[10003111] Notice of appearance filed by Mr. Stuart H. Singer for Novell, Inc. CERT. OF INTERESTED PARTIES: n. Served on 09/19/2012. Manner of Service: ECF/NDA, FedEx. [12-4143]
09/28/2012	 1 pg, 62.5 KB	[10005917] On the court's own motion and pursuant to 10th Cir. R. 33.1, order filed by (CLK) extending time to file appellant's brief until 11/21/2012. Appellant's brief and appendix due on 11/21/2012 for Novell, Inc. Appellee's brief due 01/23/2013 for Microsoft Corporation. Reply brief due 02/22/2013 for Novell, Inc. [12-4143]
10/01/2012	 3 pg, 10.19 KB	[10006144] Motion filed by Appellant Novell, Inc. for attorney John E. Schmidlein to withdraw as counsel.. Served on: 10/01/2012. Manner of service: ECF/NDA. [12-4143] JMJ
10/01/2012	 1 pg, 27.12 KB	[10006231] Order filed by Clerk of the Court granting Attorney John E. Schmidlein's motion to withdraw as counsel for the appellant. Served on 10/01/2012. [12-4143]
11/05/2012	 5 pg, 14.06 KB	[10016364] Motion filed by Appellant Novell, Inc. to file an oversize brief 26500 words long. Served on: 11/05/2012. Manner of service: ECF/NDA. [12-4143] JMJ
11/06/2012	 1 pg, 20.88 KB	[10016761] Order filed by Judges Kelly and Gorsuch denying appellant's motion to file over-length filed by Appellant Novell, Inc. Served on 11/06/2012. [12-4143]
11/07/2012	 8 pg, 24.03 KB	[10017131] Motion filed by Appellant Novell, Inc. to file an oversize brief 21500 words long. Served on: 11/07/2012. Manner of service: ECF/NDA. [12-4143] JMJ
11/09/2012	 1 pg, 27.26 KB	[10017866] Order filed by Judges Kelly and Gorsuch denying Appellant's Renewed Motion for Leave to File Over-Length Principle Brief. Served on 11/09/2012. [12-4143]
11/21/2012	 3 pg, 10.73 KB	[10021322] Motion filed by Novell, Inc. to seal Volume XXIV of the Joint Appendix. Served on: 11/21/2012 Manner of service: ECF/NDA. [12-4143]--[Edited 11/21/2012 by KLP to correct the event. The motion is not

sealed.] MJJ

- 11/21/2012   [10021391] Appellant/Petitioner's brief filed by Novell, Inc.. 7 paper copies to be provided to the court. Served on 11/21/2012 by ECF/NDA. Oral argument requested? Yes. [12-4143] MJJ  
117 pg, 850.36 KB
- 11/21/2012   [10021587] Order filed by Clerk of the Court provisionally granting appellant's motion for leave to file portions of the joint appendix under seal [10021322-2]. The ultimate propriety of keeping it under seal is referred to the panel on the merits. Served on 11/21/2012. [12-4143]  
1 pg, 57.98 KB
- 11/26/2012   [10022072] Certificate of service filed by Mr. Jeffrey M. Johnson for Novell, Inc.. Document served: Joint Appendix (hard copy, served via Federal Express Standard Overnight). Served on 11/21/2012. Manner of Service: US mail. [12-4143] MJJ  
1 pg, 6.97 KB
- 11/26/2012  [10022093] joint Appendix filed by Appellant Novell, Inc. Original and 1 copy. Appendix pages: 16,706. Number of volumes: 24. (Volume 24 is provisionally SEALED.) Hardcopy only. Served on 11/21/2012. Manner of Service: FedEx. [12-4143]
- 11/26/2012  [10022095] Minute order filed - Appellee's brief now due 01/23/2013 for Microsoft Corporation. (Deadline set per Circuit Mediation's 9/28/12 letter/order.) (Text Only - No Attachment) [12-4143]
- 01/23/2013   [10038098] Appellee/Respondent's brief filed by Microsoft Corporation. 7 paper copies to be provided to the court. Served on: 01/23/2012. Manner of service: email, ECF/NDA. Oral argument requested? Yes. [12-4143] DBT  
78 pg, 189.44 KB
- 01/24/2013  [10038589] Minute order filed - Appellant's optional reply brief now due 02/22/2013 for Novell, Inc. (Text Only - No Attachment) [12-4143]
- 02/08/2013   [10043633] Stipulated notice of availability for the May argument calendar filed by Appellant Novell, Inc. Served on: 02/07/2013. Manner of service: email. [12-4143] --[Edited 02/08/2013 by SLS to correct docket event and text to reflect that this is a letter/notice rather than a motion to appoint counsel.] JIS  
1 pg, 142.54 KB
- 02/22/2013   [10047663] Appellant/Petitioner's reply brief filed by Novell, Inc.. 7 paper copies to be provided to the court. Served on 02/22/2013. Manner of Service: ECF/NDA. [12-4143] MJJ  
39 pg, 285.71 KB
- 03/04/2013   [10049987] Calendar notice sent to counsel. Arguments to be held on 05/06/2013 at 9:00 a.m. in Courtroom II of the Byron White United States Courthouse, Denver, CO. Counsel is required to go to <http://www.ca10.uscourts.gov> under the argument calendar tab to obtain an important notice regarding calendared cases and required forms. The calendar acknowledgment form must be completed and filed with the clerk via Electronic Case Filing within 10 days of today's date. [12-4143]
- 03/04/2013   [10050182] Oral Argument Acknowledgment Form filed by. Served on 03/04/2013. Manner of Service: ECF/NDA. [12-4143] JIS  
1 pg, 97.73 KB
- 03/06/2013   [10050807] Oral Argument Acknowledgment Form filed by Microsoft Corporation. Served on 03/06/2013. Manner of Service: ECF/NDA. [12-4143] DBT  
1 pg, 70.07 KB
- 05/06/2013   [10068945] Case argued by David Boles for Appellant and by David Tulchin for Appellee; Submitted to Judges Kelly, Gorsuch and Holmes. [12-4143]  
1 pg, 23.11 KB
- 05/23/2013   [10075085] Motion filed by Appellant Novell, Inc. to release the oral argument recording. Served on: 05/23/2013. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes.--[Edited 05/23/2013 by BV motion cited as deficient on 05/23/13.] [12-4143] JIS  
4 pg, 18.42 KB
- 05/23/2013   [10075106] Notice of deficient motion received from Appellant Novell, Inc. Attorney motion to release oral argument recording [10075085-2]. Type of deficiency: No disclosure of opponent's position. Served on 05/23/2013. Manner of Service: email. Corrected motion due 06/03/2013 for Novell, Inc. [12-4143]  
2 pg, 21.42 KB
- 05/29/2013   [10076418] Motion filed by Appellant Novell, Inc. to release the oral argument recording. Served on: 05/29/2013. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [12-4143] JIS  
5 pg, 19.21 KB
- 06/10/2013   [10080162] Order filed by Judges Kelly, Gorsuch and Holmes granting Attorney motion to release oral argument recording. Served on 06/10/2013. [12-4143]  
1 pg, 23.41 KB
- 09/23/2013  [10110498] Order filed by Judges Kelly, Gorsuch and Holmes [as found in the court's opinion] granting motion to seal portions of the joint appendix. [Text only entry. No document attached.] [12-4143]
- 09/23/2013   [10110500] Affirmed. Terminated on the merits after oral hearing. Written, signed, published. Judges Kelly, Gorsuch (authoring) and Holmes. Mandate to issue. [12-4143]  
38 pg, 82.89 KB
- 09/23/2013   [10110504] Judgment for opinion filed. [12-4143]  
1 pg, 13.07 KB

- 09/27/2013    
4 pg, 11.52 KB [10112194] Motion filed by Appellant Novell, Inc. to extend time to file petition for rehearing until 10/22/2013. Served on: 09/27/2013. Manner of service: email. This pleading complies with all required (privacy, paper copy and virus) certifications: Yes. [12-4143] JMJ
- 09/30/2013    
1 pg, 23.32 KB [10112365] Order filed by Judges Kelly, Gorsuch and Holmes granting appellant's motion to extend time to file petition for rehearing. The petition for rehearing shall be served and filed on or before October 22, 2013. Served on 09/30/2013. [12-4143]



- Documents and Docket Summary
- Documents Only
  
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<b>Description:</b>	Docket Report (full)	<b>Search Criteria:</b>	12-4143
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50