

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

<p>CALDERA, INC., Plaintiff, vs. MICROSOFT CORP., Defendant.</p>	<p style="text-align: center;">MEMORANDUM OPINION & ORDER</p> <p>Case No. 2:96-CV-645 B Judge Dee Benson</p>
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I. INTRODUCTION

Presently before the Court are four motions for partial summary judgment brought by defendant, Microsoft Corporation. In its complaint, plaintiff, Caldera, Inc., alleges that Microsoft engaged in anticompetitive conduct in violation of §§ 1 and 2 of the Sherman Antitrust Act, 15 U.S.C. §§ 1, 2, as well as § 3 of the Clayton Act, 15 U.S.C. § 14.....

[the following is an excerpt from page 8 of this ruling]

By mid-October 1990, the media became concerned about the veracity of Microsoft's preemptive remarks directed at DR DOS 5.0. Such media pressure was not taken lightly. Following an interview with *PC Week*, a trade magazine, regarding the release of MS-DOS 5.0, Chestnut wrote to other Microsoft employees on October 17, 1990:

I'm afraid that this guy [Paul Sherer of *PC Week*] is going to write that we are being open about DOS 5 beta because we are trying to pre-empt DR DOS 5 sales. I tried real hard to present a different point of view, but I don't think he bought it. I'm concerned that this article may make us look

bad. Can you guys follow up and see if we need to do some damage control?

This was the toughest interview I've ever done, I felt like Richard Nixon giving his "I am not a crook" speech.

(Pl.'s Exhibit 87).