

Microsoft Corporation hereby joins the legal arguments made by Dell, Inc. (D.I. 1195 in C.A. 05-441) and Hewlett-Packard Company (D.I. 1221) in opposition to the amended motion of the New York Times Company, Situation Publishing, Ltd., Dow Jones & Co., Inc., The Washington Post, the Reporters Committee for Freedom of the Press, and the Computer & Communications Industry Association (collectively, “Movants”) to modify the Confidentiality Agreement and Protective Order and for approval of a protocol for unsealing documents. D.I. 1193.

Microsoft opposes the Movants’ motion to the extent it seeks access to Microsoft’s confidential information. Like the other third-parties, Microsoft produced documents in this action in reliance on the protections provided to it under the Protective Order, which was entered by the Court over two years ago and only after extensive briefing and hearing before the Special Master that culminated in a carefully reasoned 117 page Special Master’s Report and Recommendation. *See* D.I. 177. At an absolute minimum, Microsoft should be consulted and have an opportunity to object before any of Microsoft’s confidential information is provided to or reviewed by Movants in any form.

Dated: February 11, 2009

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