

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF NEW YORK et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

Next Court Deadline:

November 15, 2007

Supplemental Status Report

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF
THE UNITED STATES FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE**

The United States respectfully requests leave to file the attached brief as amicus curiae. The New York Group, the California Group, and Microsoft have informed the United States that they do not oppose this motion.

The Court has broad discretion regarding whether to allow a non-party to participate as amicus curiae. *Ellsworth Assocs., Inc. v. United States*, 917 F. Supp. 841, 846 (D.D.C. 1996).

The United States offers a unique perspective on the issues presented as its own Final Judgment is largely parallel to that of the New York Group and the California Group.

The Court's October 30, 2007, Order set a due date of November 9th for the filing of any amicus curiae by the United States. The United States has complied with such timing.

For the reasons set forth above, the United States of America respectfully requests that the Court grant it leave to file the attached brief as amicus curiae.

Dated: November 9, 2007

Respectfully submitted,

FOR THE UNITED STATES
DEPARTMENT OF JUSTICE'S
ANTITRUST DIVISION

/s/

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