

CASE SCHEDULED FOR ORAL ARGUMENT ON FEBRUARY 26 & 27, 2000

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-5212

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICROSOFT CORPORATION,

Defendant-Appellant

No. 00-5213

STATE OF NEW YORK, EX REL. ATTORNEY GENERAL
ELIOT SPITZER ET AL.,

Plaintiffs-Appellees

v.

MICROSOFT CORPORATION,

Defendant-Appellant

APPELLEES' MOTION TO FILE JOINT BRIEF

The Court's Order of October 11, 2000, provides for separate principal briefs for the United States and the State Appellees. Under the terms of the Order, the brief of the United States is not to exceed 125 pages, and the brief of the State Appellees is not to exceed 25 pages. Both briefs are due on January 12, 2001.

Appellees respectfully request that the Court amend its October 11 Order to provide for a joint brief of the United States and the State Appellees, not to exceed 150 pages. This proposal would not increase the total number of pages allotted to appellees under the Court's Order, nor would it affect scheduling. We believe that a single brief, equal in length to Microsoft's principal brief, will allow for a more effective and helpful presentation of the arguments, avoiding unnecessary duplication and cross-referencing. We are authorized by counsel to state that appellant Microsoft Corporation does not object to this motion.

CONCLUSION

The Court should amend its Order of October 11, 2000, to provide for a joint brief of the United States and the State Appellees, not to exceed 150 pages in length.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November, 2000, I served a copy of the foregoing
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