

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.

ELIOT SPITZER
Attorney General of New York
PREETA D. BANSAL
Solicitor General
HARRY FIRST
Chief, Antitrust Bureau
MELANIE L. OXHORN
Assistant Solicitor General
RICHARD L. SCHWARTZ
Assistant Attorney General
120 Broadway
New York, New York 10271
(212) 416-6229

JAMES E. DOYLE
Attorney General of Wisconsin
KEVIN J. O'CONNOR
Assistant Attorney General
Office of Attorney General
State Capitol
Post Office Box 7857, Suite 114 East
Madison WI 53707-7857

A. DOUGLAS MELAMED
Acting Assistant Attorney General

JEFFREY H. BLATTNER
Deputy Assistant Attorney General

CATHERINE G. O'SULLIVAN
ROBERT B. NICHOLSON
ADAM D. HIRSH
ANDREA LIMMER
PHILLIP R. MALONE
DAVID SEIDMAN
CHRISTOPHER SPRIGMAN
Attorneys

U.S. Department of Justice
601 D Street, N.W.
Washington, D.C. 20530
(202) 514-2413

November 22, 2000.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November, 2000, I served a copy of the foregoing
APPELLEES' JOINT RESPONSE TO MOTIONS REGARDING AMICUS PARTICIPATION
on the following:

Bradley P. Smith (hand delivery, with disk)
Sullivan & Cromwell
1701 Pennsylvania Ave. N.W., 8th floor
Washington, DC 20006
(202) 956-7500

John Warden (fax, FedEx)
Sullivan & Cromwell
125 Broad Street
New York, NY 10004
(212) 558-4000

William Neukom (FedEx)
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052
(425) 869-1327

Edward J. Black (fax, first class mail)
Computer & Communications Industry Ass'n
666 Eleventh Street N.W., Suite 600
Washington, DC 20001
(202) 783-0070, ext. 100, 101 (Phone)
(202) 783-0534 (fax)

Robert H. Bork (fax, first class mail)
1150 17th Street N.W.
Washington, DC 20036
(202) 862-5851 (phone)
(202) 862-5899 (fax)

Louis R. Cohen (fax, first class mail)
Wilmer, Cutler & Pickering
2445 M Street N.W.
Washington, DC 20037-1420
(202) 663-6000 (phone)
(202) 663-6363 (fax)

Donald M. Falk (fax, first class mail)
Mayer, Brown and Platt
1909 K Street, N.W.
Washington, DC 20006
(202) 263-3000 (phone)
(202) 263-3300 (fax)

Laura Bennett Peterson (fax, first class mail)
700 New Hampshire Avenue, N.W.
Washington, DC 20037
(202) 298-5608 (Phone)
(202) 298-8788 (Fax)

Dr. Lee A. Hollaar (fax, express mail)
Professor of Computing Science
School of Computing
University of Utah
3190 Merrill Engineering Building
50 S Central Campus Dr.
Salt Lake City, UT 84112-9205
(801) 581-3203 (phone)
(801) 581-5843 (fax)

Paul T. Cappuccio (fax, first class mail)
America Online, Inc.
22000 AOL Way
Dulles, VA 20166
(703) 265-1494, 448-8700 (phone)
(703) 265-1495 (fax)

Carl Lundgren (fax, first class mail)
5035 South 25th Street
Arlington, VA 22206-1057
(703) 235-1910 (phone)
(703) 235-5551 (fax)

Robert S. Getman (fax, express mail)
359 W. 29 Street
New York, NY 10001
(212) 594-6721 (phone)
(212) 594-6732 (fax)

DAVID BLAKE-THOMAS
(202) 616-5949