IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No. 94-1564 (SS)

v.

[filed 3/13/95]

MICROSOFT CORPORATION,

Defendant.

MOTION OF UNITED STATES OF AMERICA TO POSTPONE STATUS CONFERENCE

The United States of America hereby moves to postpone the status conference in this case, currently scheduled for March 16, 1995, until such time as the District of Columbia Circuit resolves the United States' and Microsoft's pending appeals.

On February 14, 1995, this Court entered an order denying the Motion of the United States, in which Microsoft joined, to enter the proposed final judgment. On February 16, 1995, the United States filed its notice of appeal. Microsoft filed a notice of appeal regarding the same order, as well as certain other orders this Court entered. On February 23, the United States Court of Appeals for the District of Columbia Circuit ordered these appeals to be expedited. The United States and Microsoft have already filed their opening briefs. Oral argument is scheduled for April 24, 1995.

The United States respectfully suggests that this Court should await the Court of Appeals' decision before taking further action in this matter. The Court of Appeals has before it the issue of whether this Court should have granted the motion to enter the proposed final judgment. If the Court of Appeals agrees with the position of the United States, it will remand with directions to this Court to enter the proposed final judgment. If it agrees partially with the United States, it will remand with directions concerning the scope and nature of further proceedings in this manner. If it disagrees with the United States entirely, it will affirm this Court's order. The nature of the Court of Appeals' decision, therefore, will decisively shape the nature of future proceedings in this Court. We respectfully move that, in these circumstances, the appropriate course of action for this Court is to postpone the status conference now scheduled on March 16, 1995.

Respectfully submitted.

March 13, 1995

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,	
Plaintiff,) Civil Action No. 94-1564 (SS)
v.) [Proposed] ORDER
MICROSOFT CORPORATION,	
Defendant.	
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ORDER RE MOTION TO POSTPONE STATUS CONFERENCE

Upon consideration of the United States of America's Motion
To Postpone Status Conference, the Court hereby GRANTS the
motion. The status call scheduled on this matter for 10:00 a.m.
on March 16, 1995, is postponed until resolution, in the Court of
Appeals, of the United States' and Microsoft's pending appeals
from the orders issued by this Court on February 14, 1995.

DATE: March ____, 1995

Stanley Sporkin
United States District
Judge