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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 VERITAS OPERATING CORPORATION, a
Delaware corporation,

9 Plaintiff,

10 v.

11 MICROSOFT CORPORATION, a Washington
12 corporation,

13 Defendant.

14 MICROSOFT CORPORATION, a Washington
15 corporation,

16 Counterclaim Plaintiff,

17 v.

18 VERITAS OPERATING CORPORATION, a
Delaware corporation, and VERITAS
19 SOFTWARE CORPORATION, a Delaware
corporation,

20 Counterclaim Defendants.

CASE NO. C06-0703-JCC

ORDER

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22 This matter comes before the Court for review of the Special Master's Report and
23 Recommendation (Dkt. No. 394) on Veritas Operating Corporation's Motion for Summary Judgment of
24 Non-infringement and Invalidity of U.S. Patent No. 5,888,147. The Court has reviewed de novo the
25 Special Master's Report and Recommendation ("R&R"), the parties' respective objections and responses

1 thereto (Dkt. Nos. 405, 410), the briefing and exhibits presented to the Special Master in the first
2 instance, and all other relevant documents in the case file. The Court has determined that oral argument
3 is not necessary.

4 The Court hereby APPROVES and ADOPTS the R&R with respect to non-infringement,
5 APPROVES and ADOPTS the R&R with respect to invalidity in view of Guy, APPROVES and
6 ADOPTS the R&R with respect to invalidity of asserted claims 9 and 10 in view of Purdin and Ruan, and
7 REJECTS the R&R respecting invalidity of asserted claims 1, 3-4, 6, 8, and 13-14 in view of Purdin.

8 Accordingly, the Court hereby GRANTS Veritas' Motion for Summary Judgment of Non-
9 infringement and Invalidity of U.S. Patent No. 5,588,147 (Dkt. No. 218).

10 SO ORDERED this 11th day of March, 2008.

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13 John C. Coughenour
UNITED STATES DISTRICT JUDGE