

Caldera

FOR IMMEDIATE RELEASE

CALDERA RESPONDS TO MICROSOFT'S FINAL SIX MOTIONS FOR PARTIAL SUMMARY JUDGMENT

First of Five Hearings on Partial Summary Judgment Begin Today in U.S. District Court in Salt Lake City

Salt Lake City, UT -- May 25, 1999 -- Caldera® today publicly filed responses to the remaining six of Microsoft's nine Motions for Partial Summary Judgment in Caldera vs. Microsoft, an antitrust lawsuit in U.S. District Court in Salt Lake City. These responses include evidence from Microsoft's own documents that Caldera believes contradicts assertions made by Microsoft in these motions. The Court has scheduled five hearings to address these nine motions, beginning today, May 25 and ending June 16. A jury trial is scheduled to begin on January 17, 2000, in Salt Lake City.

"Once again, Caldera is using Microsoft's own documents to counter what Microsoft says in its court filings and press releases," said Bryan Sparks, President and CEO of Caldera, Inc. "Caldera believes Microsoft's own documents show both anti-competitive behavior and the malicious intent behind that behavior."

Based in large part on internal Microsoft documents, Caldera believes the responses filed today demonstrate that:

Microsoft intentionally created incompatibilities to exclude DR DOS from competing in the marketplace

Microsoft created the misperception of incompatibilities which excluded DR DOS from consideration by OEMs, consumers and the media

Microsoft "black listed" Novell from getting access to a Windows 3.1 beta to hinder it from creating compatibility between DR DOS and Windows 3.1

Microsoft illegally tied two separate products, MS-DOS 7.0 and Windows 4.0, to create Windows 95, excluding DR DOS and reducing consumer choice

In addition, Caldera's responses filed today show that:

Caldera has standing and is entitled to bring claims for injury to DR DOS worldwide
Caldera timely filed its claim that Microsoft harmed DR DOS for an improper purpose by improper means

Today's final six filings are coupled with three initial filings Caldera submitted on May 3, 1999, in response to Microsoft's Motions for Partial Summary Judgment. Caldera believes those initial three responses demonstrated that:

Microsoft used misleading product announcements, known in the industry as "vaporware", to dampen sales and diffuse interest in DR DOS

Microsoft used misleading statements about DR DOS to create FUD (Fear, Uncertainty and Doubt) in the industry

Microsoft used "per-processor" and other exclusionary licensing terms to block out DR DOS

Additional Information

Complete copies of the six responses filed today and other information about Caldera vs. Microsoft can be accessed at www.calderathin.com/lawsuit/index.html. Caldera, Inc. can be reached at (801) 426-5001 or via e-mail to legal@caldera.com.

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Caldera, Inc., the parent company of Caldera Systems, Inc. and Caldera Thin Clients, Inc., was founded by Bryan Sparks in October 1994 as a start-up venture funded by Ray Noorda, former CEO of Novell®, Inc. Caldera Thin Clients, Inc. provides compact solutions designed for Internet set-top devices and other embedded OEM solutions, including DR DOS and DR-WebSpyder, a graphical, DOS-based Internet browser. Caldera Systems, Inc. designs, develops and markets a line of Linux-based business solutions, including OpenLinux, technical training and support.

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