

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION

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* MDL 1332

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This Document Relates To:

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Burst.com, Inc.

* JFM-02-2952

ORDER

In accordance with this court's prior oral rulings, it is, this 22nd day of January 2003

ORDERED that Microsoft's motion to dismiss the first five claims for relief in the complaint is denied without prejudice to Microsoft renewing its contentions after the close of discovery by way of a motion for summary judgment.

/s/

J. Frederick Motz
United States District Judge