

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (CKK)

Next Court Deadline: March 6, 2002

**DEFENDANT MICROSOFT CORPORATION'S MEMORANDUM  
IN OPPOSITION TO EINER ELHAUGE'S MOTION FOR LEAVE TO  
PARTICIPATE IN THE TUNNEY ACT PROCEEDINGS**

Einer Elhauge, Professor of Law at Harvard Law School has moved to participate in oral argument during the Tunney Act proceeding and file an *amicus* brief. Microsoft Corporation ("Microsoft") submits that Professor Elhauge's motion should be denied on the grounds that his participation will be only repetitious of the already granted *amici curiae* and thus will not contribute to the Court's Tunney Act review and for all the additional reasons set forth in Microsoft's oppositions to motions filed with this Court by other parties. Microsoft particularly objects to this motion because Professor Elhauge has already submitted comments pursuant to the Tunney Act comment procedures in this case and now seeks eleventh hour leave for additional participation while failing to demonstrate that

his participation would be anything other than repetitive.

Dated: March 4, 2002

Respectfully submitted,

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