

**MICROSOFT SOFTWARE CLASS ACTIONS**

**NOTICE TO CLASS MEMBERS**

**IF YOU BOUGHT MICROSOFT SOFTWARE OR A COMPUTER WITH MICROSOFT SOFTWARE BETWEEN  
DECEMBER 23, 1998 AND MARCH 11, 2010 (INCLUSIVE) YOUR RIGHTS MAY BE AFFECTED.**

**PLEASE READ THIS NOTICE CAREFULLY.**

**TO:** All persons resident in Canada as of the date of this notice who, between December 23, 1998 and March 11, 2010 (inclusive), indirectly, and not for the purpose of further selling or leasing, purchased a genuine license for any full or upgrade version of:

- (i) Microsoft's Word or Excel applications software or any full or upgrade version of Microsoft's Office, Works Suite, or Home Essentials applications suites, intended for use on Intel-compatible personal computers ("Microsoft Applications Software"); or
- (ii) Microsoft's MS-DOS or Windows operating systems software intended for use on Intel-compatible personal computers ("Microsoft Operating Systems")

(collectively the "Class Members").

**Nature of the Class Actions** The plaintiffs in the Class Actions brought in Canada allege that Microsoft and Microsoft Canada have unlawfully created monopolies and used those monopolies to charge Class Members artificially inflated prices for Microsoft Operating Systems and Microsoft Applications Software. Specifically, the plaintiffs seek damages in the amount of the price inflation, or alternatively restitution.

The defendants deny the plaintiffs' allegations, which remain to be determined at a future trial of the issues, and deny that the plaintiffs and Class Members are entitled to the relief sought.

## **Certification or Authorization of the Class Actions**

Class action proceedings were initiated in British Columbia (Court File No. L043175, Vancouver Registry) (the “BC Action”), in Ontario (Court File No. 05-CV-4308, Windsor Registry) (the “Ontario Action”) and in Québec (File No. 200-06-000087-075, Québec City) (the “Québec Action”). The representative plaintiffs for the BC Action are Neil Godfrey and Pro-Sys Consultants Ltd. The representative plaintiff for the Ontario Action is Marian Staresinic. The representative plaintiff for the Québec Action is Gilles Gagne.

The BC Action, the Ontario Action and the Québec Action (the “Class Actions”) have been certified or authorized against the defendants by the Supreme Court of British Columbia, the Ontario Superior Court of Justice and the Superior Court of Québec. The courts have not taken any position as to the likelihood of recovery, or as to the merits of the claims or defences asserted by either side. The allegations against the defendants have not been proven.

By order of the BC Court, the class in the BC Action is:

All persons resident in British Columbia as of the date of this notice who, between December 23, 1998 and March 11, 2010 (inclusive), indirectly, and not for the purpose of further selling or leasing, purchased a genuine license for any full or upgrade version of the Microsoft Applications Software or the Microsoft Operating Systems, except any person who opts out of the action.

(the “BC Class”)

By order of the Québec Court, the class in the Québec Action is:

All persons resident in Québec as of the date of this notice who, between December 23, 1998 and March 11, 2010 (inclusive), indirectly, and not for the purpose of further selling or leasing, purchased a genuine license for any full or upgrade version of the Microsoft Applications Software or the Microsoft Operating Systems, except any person who opts out of the action and any legal person established for a private interest, partnership or association which at any time between September 5, 2006 and September 5, 2007 had under its direction or control more than 50 persons bound to it by contract of employment.

(the “Québec Class”)

By order of the Ontario Court, the class in the Ontario Action is:

All persons resident in Canada as of the date of this notice who, between December 23, 1998 and March 11, 2010 (inclusive), indirectly, and not for the purpose of further selling or leasing, purchased a genuine license for any full or upgrade version of the Microsoft Applications Software or the Microsoft Operating Systems, except persons included in the BC Class or the Québec Class and any person who opts out of the action.

(the “Ontario Class”)

### **Options Available To Class Members**

As more fully outlined above, you are a Class Member if you are a resident of Canada who purchased for your own use (not for resale) a Microsoft Application Software or a Microsoft Operating System, or a personal computer loaded with such software, from someone other than Microsoft, between December 23, 1998 and March 11, 2010 (inclusive), and you do not opt out of the Class Actions.

You do not need to do anything to continue to be included in the Class Actions. As a Class Member, you will be entitled to the benefit of any ruling on the common issues in the Class Action. You will also be bound by judgments rendered in the Class Actions.

If you opt out by July 25, 2016, you may be able to bring your own lawsuit against the defendants, but you will not be entitled to collect money that may ultimately be paid to Class Members as a result of the Class Actions.

If you want to opt out of the Class Actions, you must complete and sign the Opt Out Form, which you can obtain on Class counsel’s websites or by contacting Class counsel at the contact information below, and return it to Class counsel by mail or email. If delivered by mail, the Opt Out form must be postmarked on or before July 25, 2016. If delivered by email, the Opt Out form must be received by Class counsel by midnight on July 25, 2016.

## **Financial Consequences and Class Counsel's Fees**

In Ontario and British Columbia, no individual Class Member will be liable for costs with respect to the trial of the issues in the Class Actions. In Québec, unless she or he intervenes in the Québec Action, no individual Class Member will be liable for costs with respect to the trial of the issues.

Class counsel will only get paid fees if they successfully recover money on behalf of Class Members. The representative plaintiffs have retained them by way of contingency fee agreements whereby Class counsel can recover their disbursements and obtain fees calculated as a percentage of the total amount recovered on behalf of the Class Members, subject to the supervision and approval of the courts. Notice of that hearing and a deadline for any objections to Class counsel's fees will be provided at the appropriate time.

## **Interpretation**

This notice contains a summary of some of the terms of the certification/authorization orders in the Class Actions. If there is a conflict between the provisions of this notice and the orders, including the schedules to the orders, the terms of the courts' certification/authorization orders in each action shall prevail.

## **Class Counsel**

The law firm of Camp Fiorante Matthews Mogerman represents Class Members in the BC Action. Class counsel at Camp Fiorante Matthews Mogerman can be reached at:

Telephone: 604-689-7555 or 1-800-689-2322

Email: [microsoft@cfmlawyers.ca](mailto:microsoft@cfmlawyers.ca)

Mail: 4th Floor, 856 Homer Street,

Vancouver, BC V6B 2W5

Attention: JJ. Camp, Q.C.

Website: [www.cfmlawyers.ca/microsoft](http://www.cfmlawyers.ca/microsoft)

The law firm of Bouchard, Pagé, Tremblay, s.e.n.c. represents the Class Members in the Québec Action. Class counsel at Bouchard, Pagé, Tremblay, s.e.n.c. can be reached at:

Telephone: 1-855-768-6667

Email: [recourscollectifs@bptavocats.com](mailto:recourscollectifs@bptavocats.com)

Mail: 825, boulevard Lebourgneuf, bureau 510,  
Québec, QC, G2J 0B9  
Attention: Brian A. Garneau

Website : [www.bptavocats.com](http://www.bptavocats.com)

The law firm of Sutts, Strosberg LLP represents Class Members in the Ontario Action which includes all Canadian residents except Class Members in the British Columbia Action and the Quebec Action. Class counsel at Sutts, Strosberg LLP can be reached at:

Telephone: 1-800-229-5323 extn.8296

Email: [microsoft@strosbergco.com](mailto:microsoft@strosbergco.com)

Mail: 600 Westcourt Place  
251 Goyeau Street  
Windsor, ON N9A 6V4  
Attention: Heather Rumble Peterson

Website: [www.strosbergco.com/microsoft](http://www.strosbergco.com/microsoft)

### **Additional Information**

This notice is given to you on the basis that you may be a Class Member whose rights could be affected by the Class Actions. This notice should not be understood as an expression of any opinion of the courts as to the merits of any claim or defences asserted in the Class Actions. Its sole purpose is to inform you of the Class Actions so that you may decide what steps to take in relation to it.

This notice contains a summary of the Class Actions. Further details of the certification/authorization orders and claims can be found on Class counsel's websites. Class Members are encouraged to visit the websites. If you have questions that are not answered on-line, please contact the appropriate Class counsel identified above.

**INQUIRIES SHOULD NOT BE DIRECTED TO THE COURTS.**

**THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPREME COURT OF BRITISH COLUMBIA, THE  
SUPERIOR COURT OF JUSTICE FOR ONTARIO, AND  
THE SUPERIOR COURT OF QUÉBEC**

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