

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 AS IT MAY AFFECT YOUR RIGHTS

TO: All persons resident in Canada as of May 25, 2016 who, between December 23, 1998 and March 11, 2010 (inclusive), purchased for their own use (not for resale) 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").

I. NATURE OF THE CLASS ACTIONS

Class action proceedings were initiated in British Columbia in *Pro-Sys Consultants Ltd. et al. v. Microsoft Corporation et al.*, Supreme Court of British Columbia, Vancouver Registry, No. L043175 (the "**BC Action**"), in Ontario in *K.L. & K. (London) Limited et al. v. Microsoft Corporation et al.*, Superior Court of Justice for Ontario, File No. 05-CV-4308, Windsor Registry (the "**Ontario Action**"), and in Québec in *Gagné c. Microsoft Corporation et al.*, Québec Superior Court, No. 200-06-000087-075, Québec City (the "**Québec Action**") (collectively the "**Microsoft Proceedings**").

The Microsoft Proceedings were 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 Microsoft Proceedings 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. The plaintiffs, on behalf of the Class Members, claimed damages and restitution from the defendants in respect of the alleged conduct. The defendants denied any wrong doing or liability.

II. SETTLEMENT

A. Overview

A settlement has been reached in the Microsoft Proceedings with the defendants, without any admission of wrong doing, pursuant to which Class Members may make claims for compensation from Microsoft.

Class Members who indirectly, and not for the purpose of selling or leasing, licensed a Microsoft Operating System and/or Microsoft Application through a Microsoft volume licensing program (including Open, Select and Enterprise Agreement Programs) will be eligible to make a claim for a Volume License Voucher, which can be redeemed for the purchase of the Microsoft Products set out in **Schedule A** to the Settlement Agreement. Retail consumers will be eligible to make a claim for a cash payment.

Microsoft is obliged to make or fund the cash payments and the redemption of vouchers, which together with Class Counsel Fees (described below) shall not exceed CDN \$517,331,500.

This settlement resolves the Microsoft Proceedings for all of the Class Members as against the defendants. If the settlement is approved, a full release of all claims in all of the Microsoft Proceedings will be granted to the defendants. The settlement represents a resolution of disputed claims and the defendants do not admit any wrongdoing or liability.

B. Court Approval

The settlement remains subject to approval by the Supreme Court of British Columbia, the Ontario Superior Court of Justice, and the Superior Court of Québec. Applications for approval of the settlement will be heard by the British Columbia Court in the City of Vancouver on September 21, 2018 at 9:00 a.m., and the Ontario Court in the City of Toronto on October 18, 2018 at 10:00 a.m., and the Quebec Court in the City of Montreal on October 25, 2018 at 9:00 a.m. At these hearings the

Courts will determine whether the settlement is fair, reasonable and in the best interests of the Class Members.

C. Questions About the Settlement

This notice contains only a summary of the settlement and Class Members are encouraged to review the complete Settlement Agreement. A copy of the Settlement Agreement can be downloaded here: www.cfmlawyers.ca/microsoft. A copy of the Settlement Agreement can also be mailed to you at a cost of \$25, which represents the cost of photocopying and mailing. If you would like a copy of the Settlement Agreement or have questions that are not answered on-line, please contact the appropriate Class Counsel identified below. **INQUIRIES SHOULD NOT BE DIRECTED TO THE COURTS.**

D. Interpretation

This notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between the provisions of this notice and the Settlement Agreement including the schedules to the Settlement, the terms of the Settlement Agreement and/or the court orders shall prevail.

III. 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 or a Microsoft Operating System, or a personal computer loaded with such software or applications, from someone other than Microsoft, between December 23, 1998 and March 11, 2010 (inclusive). You will be entitled to participate in the settlement and you will be legally bound by the result of the Microsoft Proceedings.

Class Members who do not oppose the settlement need not appear at the court approval hearings or take any other action at this time to indicate their desire to participate in the settlement.

A. Commenting on or Objecting to the Settlement

Class Members are entitled to file written submissions and/or appear and make submissions at the court approval hearings. Class Members who wish to comment on or make an objection to the Settlement Agreement must deliver a written submission by mail or email to the appropriate Class Counsel at the addresses listed below postmarked no later than 3 days before the first approval hearing. The written submission must state the nature of any comments or objections and whether the Class Member intends to appear at the appropriate court approval hearing. Class Counsel will

forward all such submissions to the appropriate Court. All timely written submissions will be considered by the appropriate Court. If you do not file a written submission by the deadline, you may not be entitled to participate, through oral submissions or otherwise, in the court approval hearings.

B. Financial Consequences/Distribution of Settlement Funds

Class Members may receive compensation from the settlement, if approved. The Settlement Agreement addresses certain aspects of the claims and distribution process. However, the Courts will be asked to approve a finalized version of the claims and distribution process at the same time as the hearing seeking approval of the Settlement Agreement. The Distribution Protocol, which will provide detailed information about the distribution process, will be posted on www.cfmlawyers.ca. Class Members should retain all proofs of purchase of Microsoft Operating Systems and Microsoft Applications Software purchased between December 23, 1998 and March 11, 2010 (inclusive). If you would like to receive updates on the settlement approval process for the Microsoft Proceedings and the claims process, please email microsoft@cfmlawyers.ca.

No individual class member will be liable for costs with respect to the settlement.

C. Class Counsel Legal Fees

Class Counsel will be seeking legal fees (inclusive of disbursements and applicable taxes) of an amount that does not exceed CDN \$107,395,400; this includes approximately \$5 million in disbursements, \$97 million in legal fees, and \$5 million in taxes. The applications for court approval of Class Counsel's fee request will be heard at the same time as the applications for court approval of the Settlement Agreement

D. 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

Website: www.cfmlawyers.ca/microsoft
Mail: 4th Floor, 856 Homer Street,
Vancouver, BC V6B 2W5
Attention: Linnae Roach

The law firm of Strosberg Sasso Sutts LLP represents Class Members in the Ontario Action, which includes Class Members resident in all provinces and territories except for British Columbia and Québec. Class Counsel at Strosberg Sasso Sutts LLP can be reached at:

Telephone: 1-800-229-5323 extn.8296
Email: microsoft@strosbergco.com
Website: www.strosbergco.com/class-actions/microsoft/
Mail: 1561 Ouellette Avenue
Windsor, ON N8X 1K5
Attention: Heather Rumble Peterson

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
Mail: 825, boulevard Lebourgneuf, bureau 510,
Québec, QC, G2J 0B9
Attention: Maxime L. Blanchard

IV. 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 Microsoft Proceedings. 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 Microsoft Proceedings so that you may decide what steps to take in relation to it.

This notice contains a summary of the Microsoft Proceedings and the Settlement Agreement. Further details regarding the Microsoft Proceedings and the Settlement Agreement 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**