

CANADIAN MICROSOFT SOFTWARE CLASS ACTIONS

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PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS

CLAIM DEADLINE: SEPTEMBER 23, 2021

Class Members who wish to apply for compensation should submit their claim by this date.

Note that a second claim deadline will apply to School Voucher claims.

A. WHO IS AFFECTED BY THIS NOTICE?

This notice applies to you if you are a Canadian resident as of May 25, 2016 who, **between December 23, 1998 and March 11, 2010 (inclusive)**, purchased a license for:

- a) PC versions of Microsoft's Word, Excel, Office, Works Suite, or Home Essentials applications software (including any full upgrade versions); **OR**
- b) PC versions Microsoft's MS-DOS or Windows operating systems software.

You must have made this purchase for **personal or business use in Canada** on an Intel-compatible personal computer, and not for resale. Purchases must be of a genuine license for any full or upgrade version of the Microsoft products listed above.

If you purchased a Microsoft product to use on your computer, or a new PC computer with a Microsoft product already installed, that means that you purchased a license for the product.

B. WHAT WAS THE CLASS ACTION ABOUT?

The class action lawsuits were commenced in British Columbia, Ontario and Québec, but include Canadian residents in all provinces and territories. The class actions alleged that Microsoft and Microsoft Canada were involved in a conspiracy to illegally increase prices for certain Microsoft products.

C. COURT APPROVED SETTLEMENT

A settlement was reached with the defendants, and was approved by the British Columbia, Ontario and Québec Courts. The settling defendants do not admit, and expressly deny, any wrongdoing or liability.

The settlement amount is dependent on a number of factors, including how many members of the class action submit claims for compensation. After deductions for court approved legal fees and other expenses, the settlement amount that will be available as compensation to members of this Class Action will range from approximately \$204,968,050 CAD million to \$463,604,600 CAD million (the "Net Settlement Amount").

D. DISTRIBUTION OF SETTLEMENT FUNDS

The Net Settlement amount is available for compensation to class members.

The Ontario, British Columbia and Québec Courts approved a protocol for distributing the Net Settlement Amount. A copy of the Distribution Protocol is available at www.ThatSuiteMoney.ca.

There are two (2) categories of compensation available:

- 1) **Consumer Cash Payments:** If you purchased a license for one (1) of the Microsoft products listed above for use in Canada you may be eligible for a cash payment. Purchases made through a volume licensing program are not eligible for Cash Payments.
- 2) **Volume Licensee Vouchers:** If you purchased a license for one (1) of the Microsoft products listed above through a Microsoft volume licensing program (including Open, Select and Enterprise Agreements) for use in Canada, you may be eligible to submit a claim for a voucher that is redeemable for certain Microsoft products.

After the end of the claims period, if there are settlement funds remaining, some K-12 schools and post-secondary institutions in Canada will be eligible to claim school voucher distribution.

E. HOW MUCH ARE CONSUMER CASH PAYMENT AND VOLUME LICENSEE VOUCHER CLAIMS WORTH?

The value of Consumer Cash Payment and Volume Licensee Voucher claims will be calculated based on the kind of Microsoft product or products that are included in the claim. Payments per Microsoft product license range from \$6.50 CAD to \$13.00 CAD for both Consumer Cash Payments and Volume Licensee Vouchers.

You can submit a separate claim for every desktop or laptop computer that used an eligible Microsoft product.

For Consumer Cash Payment claims, this means that if you paid for one (1) Microsoft program that you legally used on two (2) computers, this will count as two (2) licenses.

For Volume Licensees, this means that if your license agreement authorizes installation of the Microsoft software on up to 100 computers, the Volume Licensee is entitled to 100 vouchers, regardless of whether the software was or is actually installed on 100 computers.

For all Consumer Cash Payment claims and most Volume Licensee Voucher claims, purchases of upgrades to product that were already owned will count as new licenses, and will be eligible for an additional payment. However, this is not the case for Enterprise Agreement licenses and Select and Open licenses, which are treated differently under the Distribution Protocol:

- **Enterprise agreement licenses** are considered only to have a single license for the initial software received under the agreement and not for automatic upgrades which they are eligible to receive and install under their enterprise agreement.
- Where **Volume Licensees with Select and Open licenses** have enrolled in programs to potentially upgrade their software at a later date (i.e., Maintenance, Upgrade Advantage, Software Assurance and/or License & Software Assurance), those potential upgrade rights shall not be considered to be a license separate from the initial licenses purchased under the agreement.

F. APPLYING TO RECEIVE A PAYMENT

Class Members who wish to apply for compensation for Consumer Cash Payments or Volume Licensee Vouchers must submit a claim **no later than September 23, 2021** (the “Claims Deadline”). Claims that are not made by the Claims Deadline may not be eligible for compensation.

Class Members may submit claims for the Consumer Cash Payments or Volume Licensee Vouchers by submitting a completed Claim Form online (available at www.ThatSuiteMoney.ca), together with a satisfactory proof of qualification, to the Claims Administrator prior to the Claims Deadline.

If you do not have internet access, but wish to apply for settlement benefits, please contact the Claims Administrator at:

Canadian Microsoft Software Class Actions Claims Administrator
P.O. Box 507 STN B
Ottawa ON K1P 5P6
info@ThatSuiteMoney.ca
www.ThatSuiteMoney.ca
1-833-451-8815

All class members can call 1-833-451-8815 to access a representative of the Claims Administrator that will provide information and support during the claims process.

More information will be provided to Class Members at a later date about how and when to submit a claim for a School Voucher.

CONSUMER CASH PAYMENTS

If your Consumer Cash Payment claim is for \$250.00 CAD or less, you will not be required to support your claim with any documentation, but you will be asked to submit a sworn declaration that the information in your claim is true.

If your Consumer Cash Payment Claim is for more than \$250.00 CAD, you will also be required to provide documentation that supports the portion of your claim in excess of \$250.00 CAD. Examples of the kind of documentation that will be accepted are:

- a) receipts;
- b) the product identification (“PID”) number;
- c) the Product Key number that is found on the computer hardware (for preinstalled Microsoft Operating Systems) or printed on the Certificate of Authenticity (“COA”) obtained with the Microsoft Operating System and/or Microsoft Application or that is located on the back of the case for the CD-ROM containing such software;
- d) the original COA; **or**
- e) other credible written evidence.

VOLUME LICENSEE VOUCHERS

Volume Licensees may have access to or be able to request access to a list of their purchases of Microsoft product licenses. Certain Volume Licensees can call 1-833-451-8815 to access a special representative of the Claims Administrator that will provide information and support during the claims process.

If your Volume Licensee Voucher claim is for \$650.00 CAD or less, you will not be required to support your claim with any documentation, but you will be asked to submit a sworn declaration that the information in your claim is true.

If your Volume Licensee Voucher claim is for more than \$650,00 CAD, you will also be required to provide documentation that supports the portion of your claim in excess of \$650.00 CAD. Examples of the kind of documentation that will be accepted are:

- a) receipts;
- b) the Class Member's license agreement;
- c) license confirmations;
- d) interim true-up orders;
- e) Enterprise Agreement enrollment forms;
- f) Open documentation; **or**
- g) VLSC ("Volume Licensing Service Centre") documentation; printed information obtained from Microsoft's End User Data; or other credible written evidence.

END OF THE CLAIMS PERIOD: SCHOOL VOUCHER DISTRIBUTION

After the end of the claims period, if there are settlement funds remaining, some K-12 schools and post-secondary institutions in Canada will be eligible to claim School Voucher Distribution.

There may be two (2) stages of the School Voucher distribution, if there are settlement funds remaining. The Stage 1 School Vouchers and Stage 2 School Vouchers may only be used by School Claimants. School Vouchers cannot be sold or transferred, even if the School will not use all of the School Vouchers received.

Watch for another notice explaining how schools in Canada can submit a claim for Stage 1 and Stage 2 School Vouchers.

G. CLAIMS ADMINISTRATOR

The courts have appointed Epiq Class Action Services Canada Inc. ("Epiq") as the Claims Administrator. Epiq is an independent third-party company. As Claims Administrator, Epiq will receive and review claims from Class Members, make determinations about the value of eligible claims, and issue payments to eligible Class Members.

Questions regarding the claims process should be directed to Epiq at 1-833-451-8815 or info@ThatSuiteMoney.ca.

H. WHO ARE THE LAWYERS WORKING ON THIS CLASS ACTION AND HOW ARE THEY PAID?

The law firm of **Camp Fiorante Matthews Mogerman** represents Class Members in the British Columbia 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 ext.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 + Avocats Inc.** represents the Class Members in the Québec Action. Class Counsel at Bouchard + Avocats Inc. can be reached at:

Telephone: 418-622-6699
Email: recourscollectifs@bouchardavocats.com
Mail: Suite 200 - 825 Lebourgneuf Boulevard
Québec City QC G2J 0B9
Attention: Jean-Philippe Royer

As an individual, you do not have to pay the lawyers working on these class actions any money. The lawyers will be paid from the money collected from the defendants in this class action. Any money paid to the lawyers will be or already has been approved by the Courts.

I. QUESTIONS ABOUT THE SETTLEMENTS

More information about the settlements, the distribution of the settlement funds and the claims process is available online at **www.ThatSuiteMoney.ca**, by email at info@ThatSuiteMoney.ca or by calling toll-free 1-833-451-8815. To receive future notices and updates regarding any future similar class actions settlement, register online at microsoft@cfmlawyers.ca.

J. INTERPRETATION

This notice contains a summary of some of the terms of the Settlement Agreements and the Distribution Protocol. If there is a conflict between the provisions of this notice and the Settlement Agreement or Distribution Protocol, the terms in the Settlement Agreement or Distribution Protocol shall prevail.

This notice has been approved by the British Columbia, Ontario and Québec Courts.