## PLAINTIFF'S **EXHIBIT**

2322

Gordon v. Microsoft

From:

Brad Silverberg [ITG/OXYGEN/bradsi]

Sent:

Tuesday, June 06, 1995 2:19 PM

To: Cc:

paulma Carl Stork (carls)

Subject:

RE: IntelWhittier

we should find out for sure if oem's are installing rsp or not. that would be good data to have.

|From: paulma

To: johnlu; brade; davided; bradsi; carls

Cc: billg

Subject RE: Intel/Whittier

Date: Tuesday, June 06, 1995 12:43PM

There is no absolutely need or upside for Billg to get into a position of pissing on Intel in public.

We should continue to do what we have done which is to tell the OEMs and ISVs that we don't agree with them using or installing NSP.

Thanks to the Internet that message is already out. No major OEM is low going to install NSP. In that sense it is already dead. We Ishould continue to monitor this, but we don't get points for dancing on the grave:

From: Carl Stork |Sent: Tuesday, June 06, 1995 11:55 AM

bradc; bradsi; davidcol; johnlu; paulma ITo:

billg

RE: IntelWhittier Subject

## COMMENTS BELOW MARKED BY \*\*\*\*\*

From: Paul Maritz ||To: John Ludwig, Brad Chase; David Cole; Brad Silverberg; Carl Stork ||Cc: Bill Gates

||Subject Intel/Whittier Date: Tuesday, June 06, 1995 11:16AM

It spoke briefly to Whittier today.

II. He asked if we could agree on "joint language" in advance of Billg's visit to Far East. I said that we could agree not seek a Ilpublic fight, but could not hide the fact that we are not in sync either. He asked if we could agree to a common paragraph along the lines of "both companies" agree on goals of NSP, but there are issues lithat we are trying to work out". I said that we could probably live liwith this but need to see language first. He is going to send a lidraft. There is some possibility for "unwarranted interpretation" lihere, but we are not served by a public fight either. It allows us to continue our 1-1 message with OEMs/ISVs that we see issues with INSP, and that they should not adopt it. NSP, and that they should not adopt it.

We should absolutely NOT agree to a statement saying that the companies agree on the goals of NSP. Intel's sales force has already misled customers regarding Microsoft's position on NSP and regarding compatibility of NSP with Windows 95. A statement that looks like we are working together will be mis-interpreted by customers and mis-used by Intel to promote OEM pre-installation of the NSP software now.

The ONLY condition under which we should agree to an accomodating position statement is if Intel agrees not to release the NSP system software for shipment to end customers until 90 days after the Windows 95 launch - at which point it cannot disrupt the launch or tamish the reputation of Windows 95. To put this more positively, you could

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lalso demand either a 5,000 site field beta test or testing by [Microsoft (don't know that we can commit resources to the latter.)

It have seen what Intel's salespeople and FAE's have been telling customers - Intel is trying to get us to take a neutral position, so that they can establish NSP de-facto. We cannot appear to customers to be neutral on NSP - we have to be clearly opposed.

This battile will be fought in the next 60 days - Intel wants people to begin shipping NSP system software this summer - in July and August. That is why they are so focused on getting us to stay quiet for now.

My experience is that general interest press is not interested in NSP and has not picked up on it. However, OEMs are being heavily marketed to.

Keep in mind all the threats that NSP provides to Microsoft
- short term: disrupt the Windows 95 launch. Customer or press gets
GPF or blue screen - who gets the call and blame?
- medium term: establish APIs, DDIs, scheduler around Windows
- long term: establish model that Intel supplies system software in competition with us, that Intel sits with us in defining all our lifuture architecture.

Yes, I feel pretty strongly. This is a great opportunity for Bilt to Itell customers Microsoft's position. And we should not arm Whittier

with a statement to prove Microsoft's acquiescence.

[2. He said that he had reviewed material that Holzheimer is due to licover with Johnlu today, and apologized for fact that it still reads like an NSP sales pitch. He asked us to look beyond that, and keep lin mind that they really want to work out some solution.

3. He asked if there was more that intel could do help with the Win95 launch!!! I said that we would welcome more help/effort from Intel, lbut in past the entry point into Intel's marketing had been Dennis lCarter who we had found to be luke-warm to cold. Ron then committed to himself call Brade. I am not sure how "big" he is thinking, but lwe should be prepared with a menu of thins they can participate/buy linto. He also asked if they could help with getting the OEMs ready llwrt compatibility testing, and/or re-inforcing messages to the OEMs lthrough there channels. Again I said that I thought they could help illeaving aside NSP), and would ask Davidcol/Carls for idea's which I lwould forward.

We could teach them how to do our system compatibility testing and ask them to do that testing through their verification lab.

Basically from the tone of the call, he was trying to be constructive | (altho' they are still down the NSP road), and I returned in kind. The marketing offer is the first time that they have offered to do something in a core MS-brand area.

|| From: Ronald J Whittier[SMTP:Ronald J\_Whittier@ccm11.sc.intel.com] |Sent: Monday, June 05, 1995 10:49 AM ||To: paulma@microsoft.com |Subject: issues

paul any way for us to talk today?

johnL and our guys are getting together tomorrow so that seems to be on track....what I wanted to kick around are two related things:

> first, bifl is apparently going to be in taipei late next week, and then in japan at the show the following week..."il also be talking at the show that week

second, regarding the win'95 intro, we'd

MS98 0171574 CONFIDENTIAL really like to help out, but don't know what you'd like us to do

so if you can find the time, i'd like to kick around the process for coming to some common messages for both the win'95/nsp space, including a role for intel in the win'95 roll out if that's your desire

ron

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