

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP. ) ANTI-TRUST LITIGATION ) Civil Action ) NO. JFM-05-1087 This Document Relates to: ) Novell, Inc v. Microsoft Corp.)

VIDEOTAPED DEPOSITION OF TOM EVSLIN

Taken on February 19, 2009, at 9:44 AM At the offices of Gravel & Shea Burlington, Vermont

Appearances:

DICKSTEIN SHAPIRO BY: JAMES MARTIN, ESQ. 1825 Eye Street Northwest Washington, DC 20006-5403 Attorneys for Plaintiff Novell SULLIVAN & CROMWELL, LLP BY: EDWARD GRAUMAN, ESQ. 125 Broad Street New York, NY 10004-2498 Attorneys for Defendant Microsoft

VIDEOGRAPHER: Ruth Miller

REPORTER: Sherri L. Bessery, RMR, CRR

JOSEPH ALBANESE & ASSOCIATES Certified Shorthand Reporters 250 Washington Street Toms River, New Jersey 08753

VIDEO OPERATOR: We're on the record at

9:24 AM on February 19th, 2009, for the videotaped deposition of Thomas Evslin, taken by the Plaintiff in the matter of Microsoft Corporation Antitrust Litigation Plaintiff Novell, Inc., versus Microsoft Corporation, in the United States District Court for the District of Maryland.

This deposition is being held at Gravel & Shea, 76 St. Paul Street, Burlington, Vermont. The court reporter is Sherri Bessery. The videotape specialist is Ruth Miller, both from Albanese and Associates, with offices located in New Jersey.

Counsel will please state their appearance and the witness will then be sworn in.

MR. MARTIN: Jim Martin, Dickstein Shapiro, for the Plaintiff, Novell.

MR. GRAUMAN: Edward Grauman of Sullivan and Cromwell for Defendant Microsoft Corporation and Mr. Evslin.

THE WITNESS: For the record, my name is Tom Evslin, not Thomas.

I N D E X

Table with 2 columns: Description and Page. Includes Witness (Tom Evslin, Examination by Mr. Martin, Examination by Mr. Grauman, Re-Examination by Mr. Martin) and Exhibit (Marked For Identification) with various deposition entries.

\* \* \* \* \*

T O M E V S L I N ,

having been duly sworn by the Notary Public, testified as follows:

EXAMINATION BY MR. MARTIN:

Q. Mr. Evslin, you've had your deposition taken before, right?

A. Yes.

Q. How many times?

A. I don't know. Many.

Q. More than a few, okay?

A. More than a few.

Q. Okay. I actually just as a preface to what we're we going to do today, I have a copy of your deposition from 2001 which you gave in what we call the Class cases.

A. Um-hum.

Q. I may at some point refer to it. And if at any point you think I know I talked about this before, I just want to see my old transcript, I have it here for you.

A. Okay.

Q. It's an accommodation; you don't have to do anything with it.

A. Um-hum.

Q. And I asked about how many depositions

1 you've given because the amount of instruction I  
 2 give before we go --  
 3 A. Right.  
 4 Q. -- will depend on the level of expertise.  
 5 Turns out most Microsoft witnesses have been  
 6 deposed a lot.  
 7 A. Right.  
 8 Q. So just a couple of quick ground rules.  
 9 The first is that, the most important is, my  
 10 questions will be phrased as well as I can phrase  
 11 them at the time. There will be times, I bet,  
 12 where they come out very poorly or you're not  
 13 really sure what I'm asking. If that happens,  
 14 please feel free to stop me, ask me to clarify,  
 15 tell me you don't understand the question,  
 16 whatever it is. I want to make sure you  
 17 understand what I'm asking before you try and  
 18 answer it, okay?  
 19 A. Yup.  
 20 Q. The second is we have tapes that are 60  
 21 minutes long; which means we're going to break  
 22 less than every hour. If you want to take a  
 23 break before that, again just let me know; we're  
 24 not barricaded in here.  
 25 A. Okay.

1 Q. I expect that we'll be done here today  
 2 early afternoon; it's not going to be an all day  
 3 event.  
 4 A. Good.  
 5 Q. So don't let that cause you to go on more  
 6 than, more than you might want to.  
 7 A. Um-hum.  
 8 Q. There's one more I usually give but I  
 9 forget. You've been deposed enough that --  
 10 A. Okay.  
 11 Q. -- that you understand the process.  
 12 Did you do anything to get prepared for  
 13 today's deposition?  
 14 A. No; other than the brief meeting we had  
 15 this morning, no preparation.  
 16 Q. Okay. You talked for five or ten minutes  
 17 with Mr. Grauman?  
 18 A. That's right.  
 19 Q. Didn't look at any documents?  
 20 A. I did not look at any documents.  
 21 Q. Didn't look at any old testimony?  
 22 A. Did not.  
 23 Q. Okay. I would like, even though you gave  
 24 some of this description before and in your prior  
 25 deposition, and again I'm going to do a preface

1 here, this really isn't going to call for a  
 2 response on your part, but there will be times  
 3 where I ask you questions that were asked before,  
 4 or something like that were asked before, and  
 5 there are legal reasons for that. It's not  
 6 because I don't know it's there; it's just  
 7 sometimes I have to cover that same terrain.  
 8 A. Okay. I won't remember that it's there.  
 9 Q. Okay, good; then that makes me feel a  
 10 little better.  
 11 If you could just briefly give me a  
 12 synopsis of your time at Microsoft, how you came  
 13 to Microsoft, how long you were there, and when  
 14 you left --  
 15 A. Okay.  
 16 Q. -- and why.  
 17 A. I joined Microsoft in December of 1991,  
 18 after we had sold many of the assets of a  
 19 software company Solutions, Incorporated, that  
 20 was located here in Vermont, to Microsoft. And  
 21 at the same time I became an employee of  
 22 Microsoft to run in the remnants of my company  
 23 and of another company that Microsoft had bought  
 24 in Vancouver, British Columbia.  
 25 Q. Okay.

1 A. So when I joined Microsoft I immediately  
 2 went to Vancouver, British Columbia; and I was  
 3 there for a year and a half, about, running what  
 4 was called the CBU, or Conductivity Business  
 5 Unit. Which did, was responsible for the  
 6 predecessors to what we now think of as Microsoft  
 7 Mail, the product that they had bought from the  
 8 other company and the product from my company,  
 9 and what were called conductivity products; that  
 10 was before mail went over the Internet largely,  
 11 so you had to connect to MCI Mail, AT&T Mail, and  
 12 other mail products.  
 13 Q. Um-hum.  
 14 A. In the summer of 2003, somewhere around  
 15 there, spring, summer, I was promoted, and as  
 16 part of that promotion came down to Redmond and  
 17 began to work for Microsoft in Redmond,  
 18 Washington.  
 19 My responsibilities were now for all of  
 20 the product, for the product that became  
 21 Microsoft Exchange, the product that became  
 22 Outlook, later something called SMS Server and  
 23 something called SNA Server; these were basically  
 24 back office products. And I still had  
 25 responsibility for the old mail product, which

1 was the product that we were selling at the time.  
 2 And I was at Microsoft until the end of  
 3 1994 in that capacity.  
 4 Q. Okay. And if I could just briefly go  
 5 back, I think you said the summer of 2003.  
 6 A. I think that's right.  
 7 Q. Did you mean 1993?  
 8 A. Yeah. Thank you very much.  
 9 Q. I thought you did.  
 10 A. Right.  
 11 Q. And then from Microsoft you went to AT&T;  
 12 is that right?  
 13 A. That's correct.  
 14 Q. And what do you do today?  
 15 A. I'm retired.  
 16 Q. Okay. And were you also the Secretary of  
 17 Transportation of Vermont?  
 18 A. Yes, I was.  
 19 Q. Okay.  
 20 A. That was in '81; '80 and '81. '81 and  
 21 '82.  
 22 Q. I ask only because that personally  
 23 interests me. So when you joined Microsoft you  
 24 went to Vancouver?  
 25 A. That's correct.

1 Q. Did Microsoft have a mail product before  
 2 the acquisition of the part of your company and  
 3 the Vancouver company?  
 4 A. Yeah, it had a Mac mail, a product for  
 5 mail on the Macintosh, which it had gotten  
 6 somewhere differently. And I don't remember  
 7 whether it had a PC mail product or not prior to  
 8 buying the PC mail product that it bought at  
 9 Vancouver. I know it had a Mac mail product.  
 10 Q. What was the relationship between the  
 11 Vancouver product and the technology that was  
 12 sold from Soft Solutions?  
 13 A. Solutions.  
 14 Q. Solutions, I'm sorry.  
 15 A. The technology that we sold could be used  
 16 to connect mail products, originally just the Mac  
 17 mail product, because we had worked as a  
 18 contractor for Microsoft, and built what were  
 19 called gateways between Mac mail and AT&T mail,  
 20 MCI mail. And we'd also developed a kit, we,  
 21 Solutions, for Mac mail that made it possible for  
 22 other developers of other mail systems to build  
 23 these gateways, easily build these gateways into  
 24 Mac mail.  
 25 Q. Okay. And when you say PC mail, what --

1 strike that. What does that mean, PC mail?  
 2 A. Okay. Well the Mac -- the mail system  
 3 that ran on Macintoshes originally was completely  
 4 different from the one that ran on PCs. And so  
 5 we internally we called them Mac mail and PC  
 6 mail, meaning the products that ran on the  
 7 Macintosh and the products that ran on the PC.  
 8 Q. Okay. Was there some specific operating  
 9 system that the PC mail products were designed  
 10 for, or was it just all PCs that were not Macs?  
 11 A. No, they were designed, excuse me,  
 12 originally designed for DOS, and used, they were  
 13 DOS mail products. Later they got a Windows  
 14 client, but they were originally designed for  
 15 DOS.  
 16 Q. When you took over -- when you joined  
 17 Microsoft, was the development focused on the DOS  
 18 products or on Windows products?  
 19 A. Both. Because the servers were still DOS-  
 20 based, and but more and more of the clients, the  
 21 new client development focused on Windows because  
 22 Microsoft was focusing more on Windows. But the  
 23 DOS client was very much maintained and very much  
 24 in use by our customers.  
 25 Q. Okay. During that 18 months before your

1 promotion, what products were you able to get to  
 2 the market for Microsoft?  
 3 A. We got a new version of DOS mail out; I  
 4 don't remember if we had a new version of Mac  
 5 mail or not. And we shipped versions of various  
 6 gateways; I don't even remember which ones. But  
 7 that's what we did.  
 8 Q. Okay. Did you -- were you successful in  
 9 getting a mail product out for Windows?  
 10 A. We had a Windows client for our DOS mail  
 11 product.  
 12 Q. Okay.  
 13 A. That was our objective.  
 14 Q. Right.  
 15 A. That's what we were trying to do.  
 16 Q. I apologize; my disconnect was I was  
 17 thinking about Windows and DOS as the same thing.  
 18 Back then Windows was a product that worked with  
 19 DOS, right?  
 20 A. That's correct.  
 21 Q. Okay. So when you say a Windows client --  
 22 A. What I really mean is, is the user seeing  
 23 Windows as they would in a Windows client, or as  
 24 the member users, some users preferred DOS or  
 25 were used to DOS, and so they wouldn't, Windows

1 might not be on their machine at all, so they  
2 would be running the DOS client.  
3 Q. Okay. What were the main competitors to  
4 the Microsoft mail products during this 18-month  
5 time period before your promotion?

6 A. Product called Quick Mail, which was  
7 mainly a competitor on Macintosh. Product called  
8 CC Mail, which was a competitor across the board;  
9 I think they had a Mac client as well. To a  
10 lesser degree, MHS, which came from Novell;  
11 Message Handling System, I think. Banion Vines;  
12 not major, but it was a competitor.

13 As mail products, I don't really, I don't  
14 remember any others. Lotus Notes existed and it  
15 was in Lotus the same as CC Mail was, but was not  
16 a direct competitor to our mail products.

17 Q. Okay.

18 A. To the mail product we had then.

19 Q. Did WordPerfect have a mail system?

20 A. Yeah, they did.

21 Q. Would they also be a competitor?

22 A. They would have been. The fact I didn't  
23 remember them is some indication of how  
24 significant or insignificant they were, but yes.  
25 And there were others certainly.

1 or MCI mail clients, because each of those  
2 companies had an external mail system; not the  
3 kind you'd use inside a company, but a kind that  
4 you'd use externally.

5 And so with a gateway you could address  
6 mail not only to your colleagues, but also to  
7 somebody on an external mail system to which you  
8 were connected, and the gateway would do the  
9 technical job, because there was no single set of  
10 mail standards of understanding, for example, how  
11 to talk to AT&T Mail and also understanding how  
12 to talk to Microsoft Mail. And periodically this  
13 gateway would wake up and say do I have any  
14 messages that have to go from the Microsoft Mail  
15 system here over to AT&T and do I have any to  
16 retrieve, and do the right things to make that  
17 happen. So it was a very technical product that  
18 would be bought by the administrator in order to  
19 connect the internal mail system to some external  
20 mail systems.

21 Q. Okay. You also used the term server; and  
22 I had the same question for those of us who  
23 aren't technologically proficient. What's a  
24 server?

25 A. Okay. Let's start with the client. The

1 Q. Okay. So during this 18-month period you  
2 really focused on just the mail products; is that  
3 right?

4 A. On just the old mail products. Because at  
5 this same time the beginnings of what had become  
6 Exchange were going on in Redmond; they weren't  
7 my responsibility. And on the Gateway products  
8 that made the connection between the mail  
9 products and external mail systems.

10 Q. Okay. For, for me and for anybody else  
11 who is going to look at this, this deposition and  
12 trying and figure out the technology, what do you  
13 mean by a gateway?

14 A. It's hard to explain in today's world.

15 Q. I recognize I asked a simple question  
16 which calls for a difficult technical answer.

17 A. In those days if you bought a mail system  
18 like Microsoft Mail, it controlled the  
19 communication in your enterprise, or you gave  
20 clients to, they communicated on Microsoft Mail.  
21 There was no such -- so suppose you wanted to  
22 communicate outside the enterprise, which was  
23 relatively rare. You might be communicating with  
24 people who, for example, who had AT&T mail  
25 product -- clients, or Western Union mail clients

1 client is the software you use on your own  
2 computer. In some implementations of mail  
3 systems, there is a central computer somewhere  
4 that's in charge of some of the tasks that have  
5 to do with mail. And the line can literally be  
6 drawn anywhere about what's done on the client  
7 and what's done on the server; that's an  
8 architectural decision. But a server is a  
9 central computer that does some of the common  
10 functions on behalf of the clients that are  
11 running on the desktop computers.

12 Q. And during this time period, this 18  
13 months before your promotion, were there  
14 different companies offering different servers?

15 A. You mean different servers for mail?

16 Q. Yes.

17 A. The Microsoft -- Mac Mail product was a  
18 server-based product. The PC Mail product, this  
19 is going to be really confusing, didn't actually  
20 have a server unless it had gateways involved.

21 Q. Okay.

22 A. Because all the work was done by the  
23 clients. Sort of each client delivered its mail  
24 in a place where the other clients could find it.  
25 I think MHS worked the same way. I don't

1 remember whether CC Mail was server-based at the  
2 time. Lotus Notes was certainly server-based.

3 So the simple answer is yes, there were  
4 other server-based mail systems, but I'm not sure  
5 which ones they were anymore.

6 Q. Okay. Later on I'm going to ask you about  
7 MAPI, and I wanted to get at least this  
8 fundamental understanding because I think it  
9 might end up being important.

10 Following your transition and after 18  
11 months, how did your job duties change?

12 A. Now I had responsibility for our upcoming  
13 mail product, and before I'd had responsibility  
14 for the old products. So I, so I gained -- I  
15 still had responsibility for the old products,  
16 which was our intent to phase out, but I now had,  
17 the major change in my responsibility was that I  
18 had responsibility for the development of the  
19 Exchange server and the new clients, Macintosh,  
20 PC, PS2, that would run with the new Exchange  
21 server. That wasn't a product that was shipped  
22 during the time that I was at Microsoft, but I  
23 was responsible for the development of that and  
24 some of the marketing.

25 Q. Okay. I read your transcript; I was

1 unsure exactly what an Exchange server was. It  
2 seems sometimes it talked about it like a client,  
3 sometimes it was a computer system.

4 A. No, it was always a server.

5 Q. Okay.

6 A. So it's a product that's run not on  
7 somebody's desktop, but wherever the central data  
8 processing is done in an organization. It's  
9 software; it's something that's sold to an  
10 organization and they install it on hardware to  
11 make it a server. And it performs most of the  
12 functions of mail on behalf of the clients. It  
13 does the transferring of mail, figures out the  
14 addresses, figures out what goes where, even  
15 manages a central set of folders and repositories  
16 for the people who have mail clients. And then  
17 it's addressed by the mail clients in order to  
18 get services.

19 Q. Who was the target audience for the  
20 Exchange server?

21 A. Our corporate customers.

22 Q. So a corporation would buy this set of  
23 software, install it on the computers that would  
24 be known as the back end?

25 A. That's correct.

1 Q. Okay. And then it would be responsible  
2 for implementing a number of different mail  
3 functions; is that right?

4 A. The server, that's right, would perform a  
5 number of mail functions, and that's why the  
6 corporation or other organization would have  
7 installed it.

8 Q. Okay. Was the server designed to work  
9 with all different mail clients or just with  
10 Microsoft mail clients?

11 A. The server was designed, and now you're  
12 getting into the MAPI question.

13 Q. Well I'm trying to avoid it actually, but  
14 --

15 A. Okay, yeah.

16 Q. But I will get there; so if you want to go  
17 there, that's fine, too.

18 A. The server was designed to be accessed  
19 through a set of protocols called MAPI. The  
20 original, and the mail clients that we were  
21 developing used MAPI to access the server. So,  
22 yes, the server and mail clients were designed to  
23 work together, because they were both designed  
24 for MAPI. But from the beginning or at least  
25 from as long as I was involved with it, the plan

1 was that any mail client that anybody wrote that  
2 used MAPI would be able to access the facilities  
3 of the server, and that our clients would be able  
4 to access the facilities of any server which  
5 implemented MAPI.

6 Q. Well we're going there so I might as well  
7 ask. So MAPI was intended to act as -- well just  
8 say what MAPI was

9 A. Messaging API. And API stands for  
10 Application Programming and Interface. So it was  
11 a, I don't know, I'm trying to stay away from the  
12 jargon; it defined how two programs talked to  
13 each other in a way that a programmer would  
14 understand, so that a programmer writing a  
15 program that needed to communicate with another  
16 MAPI speaking document would be able to look at  
17 the MAPI documentation and say oh, yeah, that's  
18 how I do that.

19 Q. Would it be fair to say MAPI acted as a  
20 middleman between the servers and the clients?

21 A. Not quite, because you're implying that  
22 MAPI itself is an agent, which it's not; it's a  
23 language. Probably would object to my saying  
24 that, but it's a protocol or language rather than  
25 an active mediator between two things.

1 Q. Okay.

2 A. So you don't find a MAPI machine, but you

3 find this guy speaks MAPI, and that guy speaks

4 MAPI, and therefore they can speak to each other.

5 Q. Okay, that helps. Were there plans,

6 during your time, this 18 months when you were

7 responsible for the Exchange server, were there

8 plans at MicroSoft to provide additional

9 functionality for Microsoft mail clients

10 independent of MAPI?

11 A. I'm only reminded of it by the document

12 that I looked at this morning. But I can see

13 from that that it, that we were talking about

14 tight integration of the client with what was

15 then called Capone, the new version of Windows

16 that was coming out. So the client and -- so the

17 client would have had capabilities other than

18 those provided by the Exchange server.

19 Also at the time -- I think in the very

20 beginning MAPI didn't include APIs for scheduling

21 or for contact management; it did later, but it

22 didn't initially. And it was a plan to have that

23 in the mail client, to have those capabilities in

24 the mail client. Later we extended MAPI to

25 include those.

1 Q. Okay. You referred to a document you

2 looked at this morning; I presume that's during

3 your ten-minute meeting with Mr. Grauman?

4 A. Yes, that's right.

5 Q. How many documents did you look at with

6 him?

7 A. Two or three. He just had good, made a

8 good pick.

9 Q. Okay. And did those refresh your

10 recollection?

11 A. Yes.

12 Q. Okay. Which documents did you look at?

13 A. Can you describe them? Better than me

14 perhaps? I looked at an e-mail --

15 Q. I'm sure that, by the way, your lawyer

16 doesn't want to describe them to me.

17 A. Okay, I'll describe them. What I remember

18 looking at then is a little bit of my prior

19 testimony; two selections from the prior

20 testimony. And an e-mail exchange that started

21 with Bill Gates it looks like and then I

22 responded and then Brad Silverberg responded.

23 Q. Okay. We'll get to those documents; I

24 just wanted to know what you had to look at.

25 Okay, so just going back briefly to the

1 Exchange server. So the plan was during your

2 tenure for it to be a MAPI client?

3 A. It was for it to be a MAPI client, that's

4 right.

5 Q. Okay. And was it the plan for it, for it

6 to provide any extensions to Microsoft's mail

7 client independent of MAPI?

8 A. I don't think that question's meaningful.

9 It was meant to be Microsoft's mail client, so it

10 couldn't extend it.

11 Q. Okay. But then -- that's fair; it's a bad

12 question and I told you it would happen, so let

13 me see if I can do it a different way.

14 Did Microsoft's mail client have an out of

15 office function?

16 A. There was Microsoft mail client in the

17 original product, and then there's a Microsoft

18 mail client that we were developing; actually we

19 were developing several of them. And so are you

20 asking me did the original Microsoft mail client

21 have an out of office function? Or did the one

22 we were developing have an out of office

23 function? I'm not quite sure.

24 Q. That's a great clarification; I appreciate

25 it. What I'd like to know is, first, did the

1 existing mail client have an out of office

2 function?

3 A. Unfortunately I don't remember.

4 Q. Okay. Did the planned mail client have an

5 out of office function?

6 A. Yes.

7 Q. How did that out of office function work?

8 Did that work through MAPI, or did that work

9 directly with the Exchange server?

10 A. I don't remember.

11 MR. GRAUMAN: Objection to form.

12 Q. You don't remember?

13 A. I don't remember.

14 Q. We'll get back to this.

15 A. Okay.

16 Q. I actually have documents that might be

17 able to help you, but since we started down that

18 road.

19 So how many mail clients were you working

20 on during this second 18 months? And for the

21 most part all of my questions now are going to

22 focus on this second 18 months.

23 A. Okay, let me try to sort of count them on

24 my fingers and maybe we'll get there.

25 Q. Okay.

1 A. There was a Macintosh Mail client.

2 Q. Okay.

3 A. And I'm talking about -- let me just

4 clarify what I'm answering. Because the existing

5 product was still in the field, it meant we still

6 did maintenance. So I'm not answering that part

7 of the question.

8 Q. Correct.

9 A. Because I think you're asking me about the

10 new ones we were developing.

11 Q. That's right.

12 A. So we were developing a new client for the

13 Macintosh. We were developing a new, two new

14 clients for Windows; and the reason was that we

15 were not sure how ambitious the mail clients were

16 going to be. There was one -- I, I think I told

17 you incorrectly that Capone was a new operating

18 system; actually it wasn't, it was a new mail

19 client.

20 Q. Okay.

21 A. I'm getting my code names mixed up. There

22 was also one code name Ren and Stimpy. Capone is

23 what shipped first. Ren and Stimpy is much more

24 like the current Outlook client; it's a more

25 capable client and has better integration between

1 scheduling and mail and so on. But both of those

2 had work going on, it's just that Ren and Stimpy

3 was much further out.

4 There was another mail client for PS2 that

5 was IBM's operating system at the time. Then

6 there was a DOS mail client. And there were,

7 there was a version, there were versions of the

8 client, at least planned. Remember none of this

9 shipped during my tenure.

10 Q. Right.

11 A. So there's more things going on than ever

12 get shipped. But we had planned to have a CC

13 Mail client for competitive reasons, and later an

14 Internet mail client. Those are the only other

15 two that I remember. And those, I think, were

16 only for Windows.

17 Q. Okay. Can you describe the difference

18 between what Capone was intended to be and what

19 Ren was intended to be?

20 A. Yeah, Capone was much more focused on

21 messaging alone. We had a product called

22 Schedule Plus, which was used for scheduling.

23 And then -- and so Capone did not include

24 Schedule Plus capability; it just included

25 e-mail.

1 Q. Okay.

2 A. And I think contact management; I'm not

3 positive. But it didn't include scheduling and

4 calendaring functions. Ren and Stimpy on the

5 other hand was meant to be a good integration

6 between contact management, messaging, and

7 calendaring, and richer and bolder in its

8 interfaces and its way to find information than

9 Capone was. And again Ren -- today's Outlook

10 client looks very much like Ren and Stimpy was

11 planned to look and is an indirect descendent

12 of that.

13 Q. Is there anything today that's an indirect

14 descendent of Capone?

15 A. No; Capone disappeared.

16 Q. Do you know what the plans were for

17 distribution of Capone?

18 A. At one point there were plans to

19 distribute Capone with all copies of Windows.

20 Q. Was there a plan to distribute it

21 independent of Windows?

22 A. Oh, absolutely. Because remember -- yes,

23 there was. Because we would have distributed it

24 for people who had old versions of Windows, for

25 example.

1 Q. Okay. So if a user wanted this, I'm going

2 to use the code name Capone because I think it's

3 easier and I don't know what it ultimately

4 became.

5 A. Right.

6 Q. So if a user wanted to use Capone, there

7 were options. First it could come, or at least

8 it was expected to come, with the future versions

9 of Windows?

10 A. With the Chicago version of Windows;

11 that's why it was called Capone. Capone and

12 Chicago.

13 Q. Okay. So it was intended to be part of

14 Chicago?

15 A. Yeah.

16 Q. Which was Windows 95?

17 A. I think that's right. That would have

18 made sense.

19 Q. Alternatively, somebody could buy it as a

20 separate product?

21 A. Um-hum.

22 Q. Would that come from like Egghead, or I

23 mean how would that happen?

24 A. Yeah, Microsoft software was generally

25 sold through general distribution, except certain

1 corporate clients bought direct.  
 2 Q. Those were the primary plans for  
 3 distribution; you weren't there for when it was  
 4 distributed?  
 5 A. That's correct.  
 6 Q. Okay. Then what were the plans for  
 7 distributing Ren?  
 8 A. There were no firm plans. And the Ren,  
 9 Ren and Stimpy was its name, the product later  
 10 left my group and went into the Office group, and  
 11 so the plan then later became that it would be  
 12 part of Microsoft Office.  
 13 Q. Okay. When did that happen, that  
 14 transition from your group to the Office group?  
 15 A. I don't remember, but before I left. So  
 16 prior to the end of '94.  
 17 Q. Okay. Do you know why it happened?  
 18 A. It was a part of a reorganization; it was  
 19 partly to reflect the scheduling realities that  
 20 Ren and Stimpy was not going to ship in the  
 21 Exchange or the Chicago time frame, and that was  
 22 quite clear. It was partly to solve the  
 23 ambiguity of why my group was working on two mail  
 24 clients at the same time. It was partly so that  
 25 the user interface would have more of a look of

1 that. Did Chicago, I'm just going to use Chicago  
 2 rather than Windows 95, did Chicago have a shell?  
 3 A. Yes.  
 4 Q. And did that shell include a user  
 5 interface?  
 6 A. I don't remember that.  
 7 Q. Did Ren have its own shell?  
 8 A. I don't remember. I don't -- it was  
 9 probably so early in its development that that  
 10 question may not even have been answered.  
 11 Q. Okay. Were there plans also to distribute  
 12 the mail client with Exchange?  
 13 A. Yes.  
 14 Q. Okay. And when I say the mail client,  
 15 that's the -- I'm talking about Capone?  
 16 A. The mail clients actually.  
 17 Q. Okay.  
 18 A. Well if you bought, at least the plan was,  
 19 and I don't know what the ultimate distribution  
 20 was, is that if you bought a box, in those days  
 21 you still bought software in a box, if you bought  
 22 a box that had Exchange in it, that it would have  
 23 a copy of the Windows client, the PS2 client, the  
 24 DOS client, the Mac client, and it would have a  
 25 license, a shrinkwrap license that governed how

1 the other applications that Microsoft was  
 2 developing that were in the Office group, like  
 3 Word and Excel.  
 4 Q. Okay. And when we say Office group,  
 5 that's the suite of applications that includes  
 6 Microsoft Word and Microsoft Excel?  
 7 A. That's correct.  
 8 Q. Okay. Do you know what a shell is?  
 9 A. Do I know what a shell is?  
 10 Q. Yeah.  
 11 A. Yeah.  
 12 Q. And can you explain what it is? I knew  
 13 the answer; that was almost rhetorical, but I  
 14 have to ask.  
 15 A. Right. There is actually no very good  
 16 definition of a shell. But a shell is a layer of  
 17 program which can be used to give commands to  
 18 underlying layers. It's a little bit what you,  
 19 what I objected when you said that it was an API,  
 20 it's a sort of active agent that translates  
 21 commands from one layer to another.  
 22 Q. Is part of the shell the user interface?  
 23 A. A shell may or may not have a user  
 24 interface. Typically doesn't have much.  
 25 Q. Okay. Did Chicago or Windows 95 -- strike

1 many copies the client, the enterprise buyer was  
 2 entitled to distribute through their  
 3 organization.  
 4 Q. Okay. So if an enterprise bought this  
 5 product and it was a 50-person enterprise and the  
 6 license was for ten people, that enterprise would  
 7 have to acquire additional licenses --  
 8 A. That's correct.  
 9 Q. -- so everybody could use the same mail  
 10 client?  
 11 A. That's correct. Or any combination of  
 12 those mail clients I think is the way it was.  
 13 That is, we didn't care if you had 10 Macs and 40  
 14 PCs or vice versa, you'd get 50 client licenses  
 15 and then could distribute any combination of our  
 16 clients to those, to that number of seats.  
 17 Q. Okay. Do you know why Capone, the mail  
 18 client, was going to be part of Chicago?  
 19 A. Do I know why it was going to be part of?  
 20 Q. Yeah, do you know what the basis for that  
 21 decision was?  
 22 A. The, part of the reason was that we, and I  
 23 was very much a proponent of this, that we felt  
 24 that, I felt that basic messaging was really part  
 25 of the integral function of the way people used

1 their computers. That when you run a program on  
 2 a computer, you expect the program to be able to  
 3 print; you don't expect to go buy some other  
 4 program to do your printing. You expect it to be  
 5 able to save files; you don't buy some other  
 6 program to save files. I thought, and in a sense  
 7 time's proved me right, that some day the file  
 8 would have a send command on it as well as a  
 9 print and save command. So that any program you  
 10 worked with would be able to embed the capability  
 11 of sending just the way any program, and could  
 12 embed the capability of printing or embed the  
 13 capability of saving a file. Those things  
 14 weren't always part of programs either; they just  
 15 became.

16 So we wanted to make sure that any  
 17 program that was written for Windows would be  
 18 able to send mail as easily as it could print or  
 19 could save files, without the developer of that  
 20 program having to write his own messaging program  
 21 or understand the intricacies of messaging just  
 22 as again the developer of a spreadsheet doesn't  
 23 have to really know how printing works, they just  
 24 have to use the printing interface when the print  
 25 command is selected and then printing magically

33

1 happens.

2 So unless the mail client functionality  
 3 were included in Windows, then applications that  
 4 were written to run in Windows wouldn't be able  
 5 to assume that there was basic messaging  
 6 capability there.

7 Q. Okay.

8 A. And available.

9 Q. Who made the decision to -- well strike  
 10 that. How would you characterize the Capone's  
 11 relationship to Chicago? Was it integrated into  
 12 it, was it bundled with it? I just want to use  
 13 the right term as we move forward.

14 A. Well, again, it didn't ship while I was  
 15 there.

16 Q. I'm sorry, I was asking what the plan was.

17 A. The plan was to bundle it. And the -- it  
 18 wasn't in -- the products were developed by two  
 19 separate groups; the Chicago was being developed  
 20 by Brad Silverberg's group, and the mail clients  
 21 were being developed by my group. And for  
 22 practical reasons, that meant that they couldn't  
 23 be tightly integrated, otherwise if Brad's people  
 24 made a change somewhere, then we would break; or  
 25 if we made a change, then they would break. And

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1 so they only communicated with each other through  
 2 certain defined interfaces. Those are not MAPI  
 3 interfaces, but those are still APIs. So it was  
 4 developed modularly; that is, separately from  
 5 Windows, but at least the Windows version of it  
 6 used certain Windows capabilities.

7 Q. Okay.

8 A. As would other Windows programs, by the  
 9 way. But it did, too.

10 Q. This may sound like a bad, dumb question,  
 11 but I just want to know sort of fundamentally how  
 12 a, again this is the plan, how a user was going  
 13 to get the mail client. It got the Windows  
 14 operating system on disks, right?

15 A. That's right.

16 Q. Or it came on the, actually it probably  
 17 came on the PC more often than not, right?

18 A. Um-hum.

19 Q. So when the user booted up the first time  
 20 the computer, Windows boots up for the first  
 21 time, right?

22 A. Um-hum.

23 Q. Then does the mail client, is there  
 24 something special that has to be done to install  
 25 the mail client, or is it just naturally a part

35

1 of the Windows boot-up?

2 A. I don't know the way that that eventually  
 3 worked out. But again, we're talking now about  
 4 not somebody who would take a copy of Windows  
 5 home, because at that time the Windows mail  
 6 client wouldn't have done them any good. I'm  
 7 talking about somebody who has a copy of Windows  
 8 in the office. And chances are it's actually  
 9 their administrator that set up their machine.  
 10 If they already had a machine. I mean Windows  
 11 may be an upgrade, so somebody may actually have  
 12 to install it on a machine or it may be installed  
 13 new.

14 But whatever is the case, there was a fair  
 15 amount of, in those days, a fair amount of setup  
 16 involved. Even if the Windows code lives -- I'm  
 17 sorry, even if the mail client code lives on the  
 18 Windows disk, which was the plan, the  
 19 administrator would sort of have to tell it what  
 20 its identity was; that is, what the person's user  
 21 name was, how to access the server, the Exchange  
 22 server, which credentials to use and so on. And  
 23 so it's not as if somebody could in the  
 24 corporation could just go out to the store, buy a  
 25 computer with Windows preinstalled, plug it in,

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1 which would have been great, but that's not the  
 2 way it worked, and then have mail there and be  
 3 able to start doing it.  
 4 Q. And then what, when a new user put in  
 5 Windows 95, an enterprise, let's stick with that  
 6 as our theme, what happened to older mail clients  
 7 that were already in existence on that, at that  
 8 enterprise?  
 9 A. Again that was up to the administrator.  
 10 That presumably if he was doing a transition from  
 11 one mail system to another, he would decide which  
 12 people to transition and how to do that. We  
 13 built tools to help them transition, or we were  
 14 building tools to help them transition from  
 15 Microsoft Mail over to Exchange. We planned, and  
 16 I don't know if they were building tools to help  
 17 them transition from other people's mail systems  
 18 as well. But a user wouldn't be able to do that  
 19 by themselves, and that wasn't the intent. The  
 20 intent was that there was some administrator who  
 21 would take responsibility for these migrations  
 22 and do it in a very structured way.  
 23 Q. Okay. Whose decision was it to bundle  
 24 Capone with Chicago?  
 25 MR. GRAUMAN: Objection to form.

1 A. I don't know the answer to that. I was a  
 2 proponent of that. And whether that was a  
 3 decision that Bill made or somehow we made it  
 4 between my group and the Chicago group, I just  
 5 don't remember.  
 6 Q. Was that, had that decision been made at  
 7 the time that you took that promotion?  
 8 A. I don't remember. It was a topic of  
 9 discussion after I took the promotion. Whether  
 10 it had been made and -- Microsoft is a very  
 11 contentious place. And just because a decision  
 12 was made doesn't mean it was never discussed  
 13 again. So there was discussion of it; I don't  
 14 remember if there had been a decision before then  
 15 or not.  
 16 Q. Do you remember if Mr. Gates was a  
 17 proponent of the bundling of Capone with Chicago?  
 18 A. I don't remember. But if he didn't want  
 19 it to happen, it wouldn't have happened.  
 20 Q. Do you recall Mr. Gates or anybody telling  
 21 you what Mr. Gates's view is about the reason for  
 22 bundling Capone with Chicago?  
 23 A. No, I don't.  
 24 (Deposition Exhibit 1 was marked for  
 25 identification.)

1 Q. Okay. Let me give you a document, first  
 2 one today, Evslin 1, which is MS7082447 through  
 3 51.  
 4 My questions, just so you know, this is a  
 5 typically several page e-mail chain from  
 6 Microsoft --  
 7 A. Um-hum.  
 8 Q. -- that one reads from back to front --  
 9 A. Yup.  
 10 Q. -- I think in time. You are free to read  
 11 as much as you want to familiarize yourself with  
 12 it.  
 13 A. Um-hum.  
 14 Q. My questions will be about maybe the first  
 15 five paragraphs.  
 16 A. The first five paragraphs?  
 17 Q. Yes.  
 18 A. Meaning --  
 19 Q. On the very front page.  
 20 A. On the front page.  
 21 Q. From John Ludwig to you and others.  
 22 A. Okay.  
 23 Q. But again, I don't want that to limit what  
 24 you do in terms of what you're looking at.  
 25 A. Okay.

1 Q. Do you recognize this as an e-mail chain  
 2 sent among Microsoft employees back in 1993?  
 3 A. Yes. That doesn't mean I remember it, but  
 4 I recognize it certainly.  
 5 Q. You recognize the form?  
 6 A. Yes, I do.  
 7 Q. Okay. The top part is what would be the  
 8 end of the e-mail chain; is that right?  
 9 A. Would be the last e-mail in the chain at  
 10 -- well we don't know that there aren't others.  
 11 But at the time this was printed out --  
 12 Q. Yes.  
 13 A. -- this is the last one; there could be  
 14 another one that incorporated this somewhere.  
 15 Q. Right, okay. Who was John Ludwig?  
 16 A. John Ludwig was, I think his title was  
 17 Program Manager working for Brad Silverberg on  
 18 Chicago.  
 19 Q. I'm going to go through this list of names  
 20 just for the record here.  
 21 A. Um-hum.  
 22 Q. Who was Brian Valentine?  
 23 A. Brian Valentine was the Development  
 24 Manager on my, on my products.  
 25 Q. Okay. And Laura Jennings was who?

1 A. Laura Jennings was the Product Manager on  
 2 my products.  
 3 Q. Okay. Mr. Silverberg?  
 4 A. Silverberg was in charge of Desktop  
 5 Windows, which is different from Server Windows.  
 6 He was a Vice President I think at that time.  
 7 Q. Okay. And Daniel?  
 8 A. Daniel Petre was my predecessor, formerly  
 9 my boss and my predecessor in the job that I had.  
 10 Q. Okay. Now this is dated April of 1993.  
 11 Is this before or after your promotion?  
 12 A. I don't remember. From the context it  
 13 seems like it was after, because I wouldn't have  
 14 been in this loop. And it couldn't have been  
 15 much after because Dan's still being cc'd.  
 16 Q. Sure.  
 17 A. Who would have been my -- the discussion  
 18 that they're referring to apparently started  
 19 before and carried over to when I came in. So I  
 20 think it's after the promotion, from the context  
 21 of it.  
 22 Q. Okay. And do I take it you do not recall  
 23 receiving this e-mail from Mr. Ludwig?  
 24 A. No.  
 25 Q. Okay. Do you have any reason to doubt

1 worked with?  
 2 A. There was a Ken Ong, but I don't know.  
 3 Q. Do you recall what Capone/shell  
 4 integration was occurring at that time?  
 5 A. As I said, the Capone client was being  
 6 developed to work with Windows and to be  
 7 accessible by Windows programs, which would be  
 8 what the shell integration was about.  
 9 Q. Okay. And how did Capone -- strike that.  
 10 How was Capone supposed to integrate into the  
 11 shell?  
 12 A. Well I don't remember how the programming  
 13 was supposed to be done. What I remember was  
 14 that applications that were written for Windows,  
 15 for instance if somebody wrote a new word  
 16 processing application or a new spreadsheet or  
 17 something else, were supposed to be able to  
 18 access the capabilities of the mail client. I  
 19 remember that as the objective.  
 20 Q. Okay.  
 21 A. But I don't remember how that was done.  
 22 Q. Do you recall the Windows Explorer?  
 23 A. Yes.  
 24 Q. And what was that?  
 25 A. The Windows Explorer still exists today.

1 that Mr. Ludwig sent this to you?  
 2 A. No, not at all.  
 3 Q. And that he sent it in the ordinary course  
 4 of business?  
 5 A. No; no.  
 6 Q. Okay. The subject is RE 4M Fallout. Does  
 7 that mean anything to you?  
 8 A. No.  
 9 Q. Does that have any reference to the 4  
 10 megabyte memory goal of the Chicago product?  
 11 A. Certainly possibly could, and maybe if I  
 12 read far enough back I'd find that. But I don't  
 13 remember.  
 14 Q. Okay, fair enough. And I asked just to  
 15 see if I can trigger a memory. There is, in the  
 16 first paragraph there there's reference to a  
 17 Chicago review with Bill.  
 18 A. Um-hum.  
 19 Q. And then it says: "Ken was there to demo  
 20 the Capone/shell integration." Do you see that?  
 21 A. Yes.  
 22 Q. Do you have any -- well first of all, who  
 23 was Ken?  
 24 A. I don't know.  
 25 Q. Was it Ken Ong? Was there a Ken Ong you

1 It's what you use when you look at your desktop.  
 2 So when you say on the top level you see the  
 3 icons for the programs that you want to run;  
 4 that's Windows Explorer. If you open a file  
 5 folder, not a mail file folder, but if you open a  
 6 regular file folder, Windows Explorer, as opposed  
 7 to Internet Explorer, is the program which is  
 8 giving you that display of the contents of your  
 9 folder. That's what Windows Explorer is.  
 10 Q. Okay. At this time was there a plan in  
 11 place to integrate Capone into the Windows  
 12 Explorer?  
 13 A. There was discussion. I don't think there  
 14 was a plan.  
 15 Q. Okay. Was it part of the shell  
 16 integration?  
 17 A. No.  
 18 Q. Was there a time when the Capone mail  
 19 product tied into Explorer, at least in some pre-  
 20 version, because you didn't see the final  
 21 version?  
 22 MR. GRAUMAN: Objection to form.  
 23 A. I don't think so.  
 24 Q. Okay. There is in the summary by Mr.  
 25 Ludwig of his discussion with Bill; do you

1 understand that to be Mr. Gates?  
 2 A. Yes, I do.  
 3 Q. Okay. The first bullet point says: "The  
 4 only reason mail is in Chicago is to help WGA  
 5 achieve dominance in the mail market (Bill's  
 6 words, not mine)." Do you see that?  
 7 A. I do.  
 8 Q. What was WGA?  
 9 A. Work Group Applications; that was my  
 10 group.  
 11 Q. Okay. Do you recall Mr. Ludwig or anybody  
 12 else telling you that the only reason mail was in  
 13 Chicago was to help WGA achieve dominance in the  
 14 mail market?  
 15 A. No.  
 16 Q. Do you have any recollection --  
 17 A. But then I don't even recollect this memo,  
 18 so --  
 19 Q. Do you have any reason to believe that  
 20 that -- strike that. Do you have any reason to  
 21 believe that Mr. Gates did not have that view?  
 22 A. I don't remember him having that view.  
 23 Q. Okay. So you really can't take a position  
 24 one way or the other?  
 25 A. I really can't take a position one way or

1 Windows group didn't want, and I would have  
 2 probably been, acted the same way, didn't want  
 3 anything they didn't control in Windows that  
 4 would be part of the schedule.  
 5 And you can see John getting to that sum  
 6 because, you know, maybe it will be late, maybe  
 7 it will be too big, meaning Windows isn't all  
 8 going to fit on a disk, or Windows isn't going to  
 9 run in you were suggesting 4 meg of memory or  
 10 whatever the target was at this time. So he's  
 11 got this big uncontrollable.  
 12 And at the same time there's an argument  
 13 saying well if you're going to be in Windows,  
 14 then we're going to tell you what it's going to  
 15 look like. And then we're saying okay, we'll  
 16 make it look like certain things, but that's  
 17 going to run above our budget. You can see a  
 18 little bit of that in here. So saying you got to  
 19 pay for it; no, we're not going to pay for it,  
 20 you just got to do it. Because paying for it  
 21 meant we could have more developers and so on.  
 22 Q. Okay.  
 23 A. So there were lots and lots of arguments  
 24 about it; mostly they were group, the dynamic of  
 25 group rivalries. Didn't really have much to do

1 the other.  
 2 Q. Okay, fair enough. And you don't remember  
 3 having any discussions with anybody else about  
 4 that topic, about enabling WGA to achieve  
 5 dominance in the mail market through integration  
 6 with Chicago?  
 7 A. No. I mean I remember there were lots and  
 8 lots of arguments about integrating the client,  
 9 but I don't remember the specific discussion  
 10 about achieving mail dominance by doing that.  
 11 Q. Okay. And if I ask you to generally  
 12 summarize the lots and lots of discussions, could  
 13 you do it? Or is it just too voluminous?  
 14 A. I can do it, but most -- the Windows group  
 15 in general didn't want to have mail with Windows.  
 16 That had nothing to do with anything that's in  
 17 this memo. What it had to do with was, and this  
 18 goes on in development companies all the time,  
 19 they were afraid we wouldn't make our schedule  
 20 and we'd cause them not to make their schedule.  
 21 And so everybody -- there were lots of reasons  
 22 for it, and I wanted, and this is me personally,  
 23 I wanted mail to be part of Windows because, as I  
 24 said, I thought that the send capability was a  
 25 basic operating system functionality. But the

1 with marketing; had to do with the reality of  
 2 shipping a product and having control over your  
 3 own product.  
 4 Q. Throughout those discussions the  
 5 expectation, though, was that Capone would be  
 6 integrated with Chicago?  
 7 A. Would be shipped with Chicago.  
 8 Q. Okay. Thanks; again I've used a word that  
 9 has a meaning that I want to be careful to not  
 10 use when it's loaded.  
 11 (Deposition Exhibit 2 was marked for  
 12 identification.)  
 13 Q. I'm going to give you another document;  
 14 it's called Evslin 2, which is NOV 00721976  
 15 through 98. And just as an introduction, this is  
 16 not a Microsoft document; this is written by  
 17 WordPerfect personnel.  
 18 A. Okay.  
 19 Q. I'm going to direct your attention, there  
 20 are Bates numbers at the bottom, I'm going to  
 21 direct your attention to what is number 81 on  
 22 this document.  
 23 A. Okay. Okay.  
 24 Q. Now there is a reference to Chicago/shell  
 25 Overview, Joe Belfiore, Program Manager, Chicago

1 Shell/UI; do you see that?  
 2 A. Um-hum.  
 3 Q. Do you remember Joe Belfiore?  
 4 A. No. I don't. The name's familiar; but  
 5 no, I don't.  
 6 Q. During this time period, late '93, within  
 7 a few months after your promotion, was Microsoft  
 8 providing demonstrations to ISVs of the way in  
 9 which Chicago in its planning stages would work?  
 10 A. I don't remember them.  
 11 Q. Okay.  
 12 A. Certainly possible; I just don't remember.  
 13 Q. Do you recall whether your mail client was  
 14 part of the demonstrations that Microsoft --  
 15 A. I don't remember the demonstrations, so  
 16 no.  
 17 Q. Do you recall whether you were involved in  
 18 deciding what would be part of those  
 19 demonstrations?  
 20 A. I don't remember the demonstrations.  
 21 Q. Okay. That may end up answering the  
 22 questions. But the last paragraph there, and  
 23 again this is written by WordPerfect developers,  
 24 says: "To MS mail client will tie into the shell  
 25 as just another folder." Are you with me there?

1 MR. GRAUMAN: Objection to form.  
 2 A. No, I don't.  
 3 Q. Was someone other than you responsible for  
 4 deciding what would be shown to ISVs?  
 5 A. I don't remember the whole process, so I  
 6 don't know the answer to that.  
 7 Q. So you don't even remember who was  
 8 responsible for --  
 9 A. It could have been me, it could have been  
 10 somebody else, or Chicago people could have done  
 11 it without consulting us, I don't, I just don't  
 12 remember.  
 13 Q. Do you have any recollection of  
 14 discussions with Microsoft personnel regarding  
 15 the presentation of mail clients during Chicago  
 16 development?  
 17 A. No, I don't remember.  
 18 Q. Okay. Do you remember any discussions  
 19 regarding complaints by ISVs that they would not  
 20 be able to integrate into the Windows Explorer  
 21 the same way Microsoft's mail client could  
 22 integrate into the Explorer?  
 23 A. I do not.  
 24 Q. I've used the term ISV now five or six  
 25 times. And I think we all understand --

1 A. Yup.  
 2 Q. Do you recall the MS mail client tying  
 3 into the shell as just another folder?  
 4 A. That isn't what happened eventually.  
 5 Q. Was that the plan, though?  
 6 A. I don't remember it ever being the plan.  
 7 It's actually what I wanted to have happen. But  
 8 that did not happen.  
 9 Q. Okay. When you say it did not happen,  
 10 that's the product that was ultimately released  
 11 did not tie into the shell as just another  
 12 folder?  
 13 A. That's correct.  
 14 Q. Do you recall any time period during which  
 15 the development product did tie into the shell as  
 16 just another folder?  
 17 A. No.  
 18 Q. Okay. And that's just because you don't  
 19 remember, or because you don't believe it  
 20 happened?  
 21 A. I don't believe it happened.  
 22 Q. Okay. Do you have any explanation for  
 23 this reference to the MS mail client tying into  
 24 the shell as just another folder?  
 25 A. No.

1 A. And I understand.  
 2 Q. And that is an --  
 3 A. Independent Software Vendor.  
 4 Q. That means what a Lotus or a WordPerfect  
 5 would be?  
 6 A. That's correct.  
 7 Q. I want to note here just for the record  
 8 the date of this is September 9th and 10th, 1993.  
 9 A. Okay.  
 10 Q. That may be significant when we look at  
 11 the next document. We have to turn the tape  
 12 over, though; so let's take a few minutes' break.  
 13 A. Okay.  
 14 VIDEO OPERATOR: We're going off the  
 15 record temporarily at 10:27 AM; we'll  
 16 continue on tape 2.  
 17 (A brief pause occurred.)  
 18 VIDEO OPERATOR: This is the beginning  
 19 of tape 2 in the deposition of Tom Evslin.  
 20 We're back on the record at 10:26 AM.  
 21 BY MR. MARTIN:  
 22 Q. Mr. Evslin, you said something that  
 23 occurred to me as I was walking out I should have  
 24 followed up on. And that is that you wanted to  
 25 tie the mail client into the Explorer like just

1 another folder?  
2 A. That's correct.  
3 Q. Is that fair? Why did you want to do  
4 that?  
5 A. I thought that the best user experience --  
6 even today we really have two sets of folders on  
7 our desktop. If you're, if you use the Outlook  
8 client, or if somebody uses the Outlook client,  
9 you have a set of folders that are within Outlook  
10 that all your mail messages are in. Then you  
11 have another set of folders completely disjointed  
12 that are on your desktop that have all your other  
13 documents in it; your Word documents, your Excel  
14 documents. It seemed to me people work, and all  
15 the effort to have a pretty interface is for  
16 those Word documents and the others, but people  
17 work, or at least did and I think probably still  
18 do, more in their mail client than they do on  
19 their desktop.  
20 So it made sense to me that the hierarchy  
21 of folders that are in the mail client and the  
22 hierarchy of folders that are visible from the  
23 desktop, in Windows Explorer, as you said, should  
24 actually be the same hierarchy of documents.  
25 That that would be a better experience for users,

1 vendor of the mail client, correct?  
2 A. Well if all mail clients did it, it  
3 wouldn't have particularly advantaged one. It  
4 would have made a better user experience which  
5 was my concern and particularly a better user  
6 experience with mail, which was very much my  
7 concern.  
8 Q. When you said if all my clients did it, it  
9 wouldn't provide any particular advantage to any  
10 particular client. But if all clients but one  
11 did it, it would be a disadvantage to the  
12 outlier, right?  
13 A. If I were right and it was better for the  
14 user and somebody couldn't do it, then they would  
15 be at a disadvantage.  
16 (Deposition Exhibit 3 was marked for  
17 identification.)  
18 Q. Okay, thank you. Let's give you the next  
19 document, which is Evslin 3, MS5042220 through  
20 22. It's another e-mail chain. And I'm going to  
21 have questions about the start and the end, so  
22 you might as well take a look at the whole thing.  
23 A. Okay. Okay.  
24 Q. Okay? If we could go right to the back  
25 page, which is the first e-mail in the chain,

1 they'd get more out of their computers and be  
2 more productive if they worked that way.  
3 Q. And that same view about it would be  
4 better for the users for the mail client to  
5 integrate into the Explorer, would that also be  
6 true for competing mail clients?  
7 A. What I'm talking about is a theoretical  
8 integration and the reason why there should be  
9 that kind of theoretical integration. I wouldn't  
10 -- we never got to the point where we were going  
11 to do it, so who it was opened up to is, is not a  
12 relevant question. But I would not have objected  
13 to that. But that's a very theoretical question;  
14 I don't remember discussing it.  
15 Q. Right. And that's why I was trying to  
16 follow up.  
17 A. Yes.  
18 Q. Your theoretical, your answer about the  
19 user experience and tying the two, the mail and  
20 the operating system together that way, that's  
21 not Microsoft mail specific, that would be true  
22 of any mail client and the operating system?  
23 A. That's correct.  
24 Q. Okay. And that would have provided an  
25 advantage to the user, and, frankly, to the

1 right?  
2 A. Um-hum.  
3 Q. There is an e-mail from you to Ken Ong; do  
4 you see that?  
5 A. Um-hum.  
6 Q. Who was Ken Ong?  
7 A. I don't remember. I think he, from the  
8 context of reading this, I think he worked for  
9 me, but I'm not sure.  
10 Q. Okay.  
11 A. The name's familiar, but I just don't  
12 remember.  
13 Q. Okay. And we saw earlier a reference to  
14 Ken giving a demonstration of integration of  
15 Capone?  
16 A. Who may or may not have been this Ken.  
17 Q. Okay, I was going to ask if you knew if  
18 that was the same. And this is dated September  
19 21, 1993.  
20 A. Yup.  
21 Q. You recall writing this e-mail?  
22 A. No.  
23 Q. Any reason to doubt that you did write  
24 this e-mail?  
25 A. No.

1 Q. And you wrote this in the ordinary course  
2 of business, right?  
3 A. No reason to doubt that, yes.  
4 Q. Okay. You ask in this e-mail whether  
5 we've done in -- let me just quote it. "Is there  
6 anything we've done in integrating Capone with  
7 Chicago that a third party (Lotus, for example)  
8 won't be able to do?" What was the basis for  
9 your asking that question?  
10 A. I don't remember writing the e-mail.  
11 Q. Okay.  
12 A. So it's hard to say. But it's a pretty  
13 straightforward question.  
14 Q. Do you know what triggered the request?  
15 A. No, I don't.  
16 Q. Do you have any recollection of concerns  
17 that a third party could not integrate into  
18 Chicago the way that Capone could?  
19 A. All I remember is in general discussions  
20 about which interfaces we were using and not  
21 using and whether or not they were documented. I  
22 don't remember this particular e-mail chain at  
23 all, but there were discussions of that.  
24 Q. So you have no recollection of asking  
25 whether or not you and your group had done

1 Q. Sure. All that the third party had  
2 available to it at this time was whatever  
3 prerelease information Microsoft made available?  
4 A. That's correct.  
5 Q. Such as what would be released in the  
6 Chicago -- I'm sorry, Win 32 Developer's  
7 Workshop?  
8 A. Yeah. Not Win -- well Win 32 wasn't about  
9 Chicago.  
10 Q. What was Win 32 about?  
11 A. About the Windows server. Chicago was a  
12 16 bit version of Windows. Just to complicate  
13 everything, there's two versions of Windows.  
14 There's the one used for servers and a few  
15 desktops, which belongs to Jim Alten and not Brad  
16 Silverberg. That's what you see, too, sometimes  
17 referred to as Cairo. And then there's 16 bit  
18 Windows, which is Chicago, which is meant for  
19 desktops.  
20 Q. Okay.  
21 A. And so there are different developer  
22 conferences for people who are developing the Win  
23 32 and Win 16.  
24 Q. Okay. I don't mean to quarrel, because  
25 you're the expert. But wasn't Chicago intended

1 anything to integrate with Chicago that a third  
2 party couldn't do?  
3 A. Correct.  
4 Q. You don't have any recollection of any  
5 concerns expressed by third parties like Lotus  
6 about their ability to integrate into Chicago,  
7 right?  
8 A. Into Chicago in general I wouldn't have  
9 known. But no, I don't.  
10 Q. Or were you aware of any concerns about  
11 third parties like Lotus that they would be  
12 unable to do the same kind of work integrating  
13 into Chicago that you could do?  
14 A. I don't remember being aware of any.  
15 Q. Okay.  
16 A. At this point no third parties would have  
17 known how we did anything.  
18 Q. Why do you --  
19 A. Because we were still in development; none  
20 of these products had been released. Neither  
21 Chicago nor Capone has been released; we're doing  
22 internal development. And so, you know, somebody  
23 may have seen an ISV thing as you showed me that  
24 gave them some concern, but the actual code  
25 hadn't been released and was not final.

1 to be a 32 bit operating system?  
2 A. Chicago was intended I think, unless I'm  
3 wrong, was still 16 bit.  
4 Q. Okay.  
5 A. I could be wrong too; it's a long time  
6 ago.  
7 Q. Again, all I can ask for is your best  
8 recollection, so that's fair.  
9 A. Yeah.  
10 Q. Do you recall whether the Win 32 API set  
11 was intended to be a cross --  
12 A. This memo that you've got seems to say  
13 Chicago was Win 32, and they obviously have very  
14 good reason to know at that point.  
15 Q. But that just doesn't jive with your  
16 recollection?  
17 A. It doesn't jive with my recollection. But  
18 the thing you have to recognize most strongly is  
19 that there were two versions of Windows, Chicago  
20 and Cairo; two future versions. Cairo was meant  
21 to be, maybe Cairo was 64 bit, but Cairo was  
22 meant to be the one that was used on servers and  
23 some desktops, ultimately, eventually all  
24 desktops. And Silverberg's was specifically for  
25 desktops.

1 Q. I apologize for staying on this topic. Do  
2 you recall whether this Win 32 API set was  
3 intended to be consistent for both Cairo and  
4 Chicago?

5 MR. GRAUMAN: Objection; foundation.

6 A. I don't remember.

7 Q. Okay. Let's go up to the first page.

8 A. Okay.

9 Q. At the very bottom there's e-mail from you  
10 to Joe Belfiore where you cc H.K. Ken Ong; do you  
11 see that?

12 A. Um-hum.

13 Q. And is H.K. Ken Ong the same person?

14 A. Ken Ong is. I don't know if H.K. is  
15 somebody else. There used to be a comma. I  
16 don't know.

17 Q. Okay. And you write: "Are you planning  
18 to publish them by Chicago release? Ken is under  
19 the impression that you are. I'm not sure we  
20 have to do this, but I have to know very clearly  
21 whether we are or not." Do you see that?

22 A. Um-hum.

23 Q. What are you referring to there, if you  
24 recall, when you say --

25 A. Well I don't recall. I can tell you what

1 people can't use them.

2 Q. Okay. And when you say other clients, you  
3 mean mail clients from third parties; is that  
4 right?

5 A. Or any other applications from third  
6 parties. I mean it's not necessary --

7 Q. Okay.

8 A. -- probably not even true that what Capone  
9 was doing with Chicago was unique to mail.

10 Q. Okay. There is then an e-mail from Mr.  
11 Belfiore where he says: "Bill is very aware of  
12 this as an issue." There's an e-mail from you to  
13 Masters Henrich and Ludwig. Do you recall who  
14 Mr. Henrich was?

15 A. No. I remember him, but I don't remember  
16 what his job was.

17 Q. Okay.

18 A. He may have been developer relations, but  
19 I'm not sure of that.

20 Q. Then there's e-mail from you to Mr.  
21 Lazarus where you write: "I went over this in  
22 some detail with Bill yesterday and he says "no"  
23 since Capone is part of Chicago." Do you see  
24 that?

25 A. Yup.

1 I think I was referring to from this e-mail.

2 Q. Okay.

3 A. But only from the context of this e-mail.

4 Q. Fair enough.

5 A. That I was referring to the APIs that  
6 Capone used to integrate with Chicago, to work  
7 with Chicago.

8 Q. Okay. Do you remember what those APIs  
9 were?

10 A. Oh, no.

11 Q. Do you know what those APIs allowed you to  
12 do to integrate with Chicago?

13 MR. GRAUMAN: Objection.

14 A. No, I don't.

15 Q. Did they allow Capone to integrate into  
16 the Windows Explorer for Chicago?

17 MR. GRAUMAN: Objection; asked and  
18 answered.

19 A. I don't remember.

20 Q. Okay. Then you write: "If we don't, then  
21 no other client can integrate with Chicago as  
22 closely as Capone does." Do you have an  
23 understanding what you meant when you wrote that?

24 A. Again, from the context of this memo, yes;  
25 I am saying if they're not published, then other

1 Q. Do you have any recollection of a  
2 discussion with Bill regarding the APIs that are  
3 the subject of this e-mail chain?

4 A. No, I don't.

5 Q. Okay. Do you have any recollection why  
6 Mr. Gates told you no?

7 MR. GRAUMAN: Objection; foundation.

8 A. I don't remember the conversation, so --

9 Q. Okay. And I apologize for asking all  
10 these questions, but I need to make sure that  
11 we're completely, the record is as fully as can  
12 be, as fully questioned out. That's really a  
13 poor way of putting it.

14 Do you recall Mr. Gates telling you why he  
15 did not want to publish the APIs that Capone was  
16 using?

17 A. No.

18 MR. GRAUMAN: Objection; foundation.

19 Q. Do you recall that as of September 24th,  
20 1993, there were interfaces used in Capone which  
21 the Chicago group did not plan to publish?

22 A. I don't remember that.

23 Q. Do you recall Mr. Lazarus or anyone else  
24 telling you that that was, in Mr. Lazarus's  
25 term, phrase, dumb?

1 A. Notice I'm not copied on that e-mail.  
 2 Q. No, I do notice that; that's why I asked  
 3 if anybody ever told you that?  
 4 A. I don't remember that.  
 5 Q. Okay. So just so we're clear, you don't  
 6 recall what the interfaces were; is that right?  
 7 A. That's correct.  
 8 Q. And you don't recall discussion with Mr.  
 9 Gates?  
 10 A. That's correct.  
 11 Q. You don't recall anything about Mr. Gates'  
 12 reasoning regarding whether or not to publish  
 13 those interfaces; is that right?  
 14 A. That's correct. Now, and just for the  
 15 record, though, notice that my e-mail doesn't say  
 16 that Bill Gates said not to publish the  
 17 interfaces. He said what he -- what I'm saying  
 18 here, and again I'm not talking from memory, I'm  
 19 going from e-mail.  
 20 Q. Um-hum.  
 21 A. Is that we can use the interfaces whether  
 22 they are published or not.  
 23 Q. Correct.  
 24 A. And it doesn't say he made a decision not  
 25 to publish them.

1 say that he's making a decision; as a matter of  
 2 fact, it says it's up to the Chicago group to  
 3 make that decision of whether or not they should  
 4 be published.  
 5 Q. Okay.  
 6 A. He says they belong to the Chicago group,  
 7 which that's what that means. But he's saying  
 8 they can use them whether the decision ends up  
 9 being that they're public or not.  
 10 Q. Okay. And that's the, you're now giving  
 11 me your --  
 12 A. I'm giving you my interpretation of what  
 13 I'm reading here, not my recollection.  
 14 Q. Right; because you have no recollection?  
 15 A. Correct.  
 16 Q. Okay. Do you recall whether or not  
 17 following this e-mail chain the Chicago group or  
 18 Mr. Gates decided to publish those interfaces?  
 19 A. No. Nor do I know which interfaces were  
 20 finally used in the client.  
 21 (Deposition Exhibit 4 was marked for  
 22 identification.)  
 23 Q. Okay. Let's stay on the same theme; give  
 24 you Evslin 4, which is MS0186379 through 80.  
 25 A. Okay.

1 Q. Right. Well actually now you've confused  
 2 me. It's your view this e-mail says that Bill  
 3 didn't -- well say that again.  
 4 A. This e-mail does not -- I know I'm using a  
 5 double negative, but it's the only way I know to  
 6 say what I'm trying to say. This e-mail doesn't  
 7 say that Bill decided the interfaces shouldn't be  
 8 published. What it does say is Bill said we  
 9 could use them in Capone whether they were  
 10 published or not.  
 11 Q. Okay.  
 12 A. And that the decision to publish them  
 13 belonged with the Chicago group --  
 14 Q. Okay.  
 15 A. -- of whether or not to publish them.  
 16 Q. What does the reference he says "no" refer  
 17 to then? In response to Mr. Lazarus's e-mail, if  
 18 we use them we have to publish them?  
 19 A. He says no, they don't have to be public  
 20 in order for you to use them. Not he says no,  
 21 they cannot be public.  
 22 Q. Okay.  
 23 A. That's a distinction. Because he's not  
 24 making the decision, I mean just according to the  
 25 e-mail, not according to my memory. It doesn't

1 Q. Do you recall this e-mail chain?  
 2 A. No, I don't.  
 3 Q. At the, on the first page, the e-mail from  
 4 you to Doug Henrich.  
 5 A. Yes.  
 6 Q. You write: We do use MAPI for all  
 7 messaging stuff.  
 8 A. Um-hum.  
 9 Q. I'm now putting words to your  
 10 abbreviations; so if I'm putting it wrong, just  
 11 let me know.  
 12 A. Yes.  
 13 Q. Clearly we use other Windows APIs for file  
 14 management, display management, etc.  
 15 A. Um-hum.  
 16 Q. As I understand it, the interfaces in  
 17 question are to Explorer (Ken, correct me if I'm  
 18 wrong). Let's just stop there. Does that help  
 19 your, refresh your recollection that the  
 20 interfaces at issue were to the Explorer, the  
 21 Windows Explorer?  
 22 A. No.  
 23 MR. GRAUMAN: Objection to form.  
 24 A. No, it doesn't. I mean I understand what  
 25 this says, but it doesn't trigger any memory.

1 Q. Okay. Then you write: "They are  
 2 important for our UR integration, which has to be  
 3 held up to the level of a Chicago component." Do  
 4 you see that?  
 5 A. Um-hum.  
 6 Q. Do you know what you meant when you wrote  
 7 that?  
 8 A. I can interpret what I meant from reading  
 9 it; I don't remember what I meant because I don't  
 10 remember writing it. Is that what you want me to  
 11 do?  
 12 Q. Yeah, why don't I get your interpretation,  
 13 recognizing that you have no independent  
 14 recollection.  
 15 A. Okay. What it sounds to me like I was  
 16 saying is that in order for the user experience,  
 17 UI user interface, in order for the user  
 18 interface to be similar to what users of Chicago  
 19 would expect, that we would need to use some  
 20 capabilities that were built into the Windows  
 21 Explorer so that we would present things in the  
 22 same way with the same appearance that the  
 23 Windows Explorer did.  
 24 And that clearly he, notice that I said as  
 25 a Chicago component. So at this point I'm

1 not you could use them; is that right?  
 2 A. That's correct.  
 3 Q. And do you -- is it correct to say now  
 4 that we've gone through this series of e-mails  
 5 you don't recall whether there was a decision to  
 6 publish them or not?  
 7 A. I don't recall. And again I don't recall  
 8 whether they were eventually used by the Capone  
 9 client either.  
 10 Q. Right; right. I want to focus right now  
 11 on this narrow time period as opposed to what  
 12 eventually did happen; whether there was some  
 13 decision to publish interfaces there were in  
 14 question. So you don't have any recollection one  
 15 way or the other?  
 16 A. I don't.  
 17 (Deposition Exhibit 5 was marked for  
 18 identification.)  
 19 Q. This will be brief, but let me just show  
 20 you this one, which is Exhibit 5. Which is  
 21 MSPCA2412200 through 01. They're not stapled; I  
 22 apologize.  
 23 I'm just going to ask a question about the  
 24 fifth paragraph down; but again, take a look.  
 25 A. Which paragraph is it that you --

1 thinking that the Windows client is not an  
 2 independent product but in fact is something  
 3 that's part of Windows.  
 4 Q. Right. And when you wrote they are  
 5 important, does the "they" refer to the  
 6 interfaces that were in question over whether or  
 7 not they were going to be published or not?  
 8 A. I don't know that from memory because --  
 9 maybe if I read down this e-mail chain I'll know.  
 10 Q. Feel free to take your time and take a  
 11 look. Like I said, there's no rush; we'll get  
 12 out of here today.  
 13 A. It appears that these are -- I don't want  
 14 to tie them to the other memo because I don't  
 15 have any way to do that, but that's the, from the  
 16 last paragraph of the e-mail from me to Doug  
 17 Henrich, that these are, are in fact APIs in  
 18 which there's still a decision to be made whether  
 19 they're public or not. That is, I'm saying so  
 20 that there's discussion about that. You see me  
 21 saying that I don't think anybody wants to hide  
 22 them but there's a question of whether they'll  
 23 actually get exposed or not.  
 24 Q. And your concern wasn't really whether or  
 25 not they got published, it was just whether or

1 Q. It's going to be four down. I said five;  
 2 I apologize.  
 3 A. Okay.  
 4 Q. Okay? This is an e-mail from David C-O-L;  
 5 is that David Cole?  
 6 A. Yes.  
 7 Q. To a list of people that does not include  
 8 you?  
 9 A. Correct.  
 10 Q. It's dated November, 1993.  
 11 A. Um-hum.  
 12 Q. As of the time, November 1993, did  
 13 WordPerfect have a mail client?  
 14 A. I believe so.  
 15 Q. Okay. And --  
 16 A. Yes, I'm sure they did.  
 17 Q. In the fourth paragraph here Mr. Cole  
 18 writes in reference to his meeting with  
 19 WordPerfect developers: "They are very happy  
 20 about us deciding to document the shell  
 21 extensions." Do you see that?  
 22 A. Um-hum.  
 23 Q. And does that refresh your recollection  
 24 that Microsoft in fact at this time told ISVs  
 25 that they were going to document those interfaces

1 that were in question?  
 2 MR. GRAUMAN: Objection to form.  
 3 A. Yeah, you can't -- well you can ask any  
 4 question you want. But it's sort of meaningless  
 5 in this context because I don't know what shell  
 6 -- there are certainly shell extensions which  
 7 were documented, which was always a plan to  
 8 document, and I don't know what shell extensions  
 9 they're talking about here. I have no reason to  
 10 think or not think that they're the same shell  
 11 extensions that were here.  
 12 Q. Were there any other shell extensions  
 13 other than the subject of that e-mail chain we  
 14 looked at before where their publication --  
 15 strike that. Were there any other shell  
 16 extensions of which you were aware that were not  
 17 certainly going to be published as of September  
 18 '93 which as of November '93 were going to be  
 19 published?  
 20 MR. GRAUMAN: Objection to form.  
 21 A. I don't remember.  
 22 Q. Okay, fair enough. I told you it would be  
 23 short on that document.  
 24 Is it fair to say that throughout this  
 25 time period from November '93 through the time

1 change, MS5036419.  
 2 A. Okay, I've read it.  
 3 Q. Does that appear to be an e-mail from you  
 4 to a series of Microsoft employees?  
 5 A. Yes, it does.  
 6 Q. Okay. Do you recall writing it?  
 7 A. No, I don't.  
 8 Q. Do you have any reason to doubt that you  
 9 did write it?  
 10 A. No reason at all.  
 11 Q. Okay. And the subject is Dumbing Down  
 12 Capone.  
 13 A. Um-hum.  
 14 Q. Does that give you -- strike that. What  
 15 did that mean?  
 16 A. I don't remember; but having read through  
 17 the memo, I infer from the memo that there was --  
 18 and again this is not from memory, this is from  
 19 the memo, that there was a discussion over  
 20 whether by putting the, what I thought of as the  
 21 mail client into Capone as a component of Capone,  
 22 and because -- and that we would create a very  
 23 rich experience for the user, which was my  
 24 intent. But since we intended to use MAPI at the  
 25 back end of the mail client, the mail client

1 you left that you continued to work on all of  
 2 your products, including the mail client,  
 3 unburdened by whether or not particular  
 4 interfaces were going to be published or not with  
 5 Chicago?  
 6 MR. GRAUMAN: Objection to form.  
 7 A. I don't remember.  
 8 Q. Did you understand my question?  
 9 A. I think so. I mean I obviously, I did  
 10 continue to work on the same things until I left.  
 11 But whether that particular issue had been  
 12 resolved either by dropping our use of the  
 13 interfaces or by having explicit permission to  
 14 use them or by their being documented I don't  
 15 remember, and I don't remember if we continued to  
 16 argue about it.  
 17 Q. Do you recall choosing not to use  
 18 interfaces in your development efforts because  
 19 Microsoft or Chicago team chose not to publish  
 20 them?  
 21 A. I don't recall doing that.  
 22 Q. Okay.  
 23 (Deposition Exhibit 6 was marked for  
 24 identification.)  
 25 Q. Let's go to Exhibit 6, it's one page for a

1 didn't work with only Exchange, was not planned  
 2 to work with only Exchange, but anybody could  
 3 make, who wanted to, could make it work with  
 4 their server product as well. And in fact we  
 5 intended to make it work with the Lotus Notes  
 6 server product.  
 7 And so from the memo, apparently Steve  
 8 Balmer had said if you do that, doesn't it mean  
 9 that the -- we may have a harder time selling  
 10 Exchange because you'll be able to get the same  
 11 rich client capability with Capone even if  
 12 something else is being used as the back end mail  
 13 server. And so Dumbing Down Capone would have  
 14 referred to making the stuff that was bundled  
 15 into Windows less rich in order to not give an  
 16 advantage -- in order to avoid giving away an  
 17 advantage that we might keep for our server  
 18 product.  
 19 Q. Okay. And how would that give an  
 20 advantage, or how would that not give away an  
 21 advantage that could be kept for the server  
 22 product?  
 23 A. Well suppose that we built a client for  
 24 Exchange which was not bundled with Windows, and  
 25 it was very, very rich. And in order to get that

1 richness, you had to buy Exchange because that  
 2 was the only way to get the client. Well then  
 3 people might buy Exchange just because they love  
 4 this rich client and the only way they could get  
 5 its capabilities is by buying Exchange. But if  
 6 we do what I wanted to do and say that everybody  
 7 who has Windows has this same rich experience,  
 8 and this rich experience is open at the back end,  
 9 it's not locked into Exchange in any way because  
 10 it uses MAPI, then we haven't forced people to  
 11 buy Exchange in order to get this rich  
 12 experience, and so have made it, have taken away  
 13 one of the arguments of the sales force, which  
 14 would have been Steve's concern, would use for  
 15 telling people that they have to use Exchange.  
 16 Q. Okay. So, so you were in favor of using  
 17 that MAPI open standard?  
 18 A. Yeah; that wasn't the issue here, though.  
 19 MAPI was going to, I mean from this memo MAPI was  
 20 going to be used; that wasn't really a question.  
 21 Q. Okay.  
 22 A. But I was in favor of exposing the  
 23 richness inside Windows.  
 24 Q. Okay.  
 25 A. So that it would be available, because

1 Q. Okay. At the time the chief competitor  
 2 that you were targeting was Lotus; is that right?  
 3 A. Absolutely.  
 4 Q. Okay. Did the combination of Novell with  
 5 WordPerfect and GroupWise give you cause to be  
 6 more concerned about them as a competitor?  
 7 A. I don't remember.  
 8 Q. Okay. Do you have any recollection of  
 9 anyone at Microsoft expressing concern about  
 10 Novell being more of a threat now that they were  
 11 merged with WordPerfect?  
 12 A. I don't remember that.  
 13 Q. Okay. You write in the second paragraph,  
 14 which is numbered 1, near the end: "We want to  
 15 make sure that our shell is the view on  
 16 interesting data. We weaken the strategy greatly  
 17 if we don't expose enough capabilities in the  
 18 Chicago shell to rival the Notes client as a  
 19 viewer." What did you mean by that?  
 20 A. Exactly what I was saying before. That in  
 21 the -- if somebody is writing an application,  
 22 again it could be a new word processing  
 23 application or an application nobody's ever heard  
 24 of before, we want them to be able to piggyback  
 25 on top of the capabilities of Chicago. In my

1 MAPI was being used then, the implication was it  
 2 would be available in the other servers.  
 3 Q. Okay. So -- okay. So all of the  
 4 attributes of the MS mail client would be  
 5 included with the Windows product?  
 6 A. Um-hum.  
 7 Q. As opposed to with the Exchange product?  
 8 A. Exactly.  
 9 Q. Okay. And that's the basis for the  
 10 comment that: We're making it easier for Novell  
 11 to compete with Exchange; is that right?  
 12 A. Um-hum.  
 13 Q. Okay. Because Novell could also take  
 14 advantage of that same richness?  
 15 A. Exactly.  
 16 Q. Okay. This in May 1994 is around the time  
 17 or shortly after the time that Novell and  
 18 WordPerfect combined; do you recall that merger?  
 19 A. Yes.  
 20 Q. Do you recall the reaction of Microsoft  
 21 employees to that merger?  
 22 A. No.  
 23 Q. Okay. What was your reaction to the  
 24 merger?  
 25 A. I don't remember.

1 mind those include on top of the messaging  
 2 capability. And so if the, if the -- if not  
 3 enough of the messaging capability is integrated  
 4 into the shell and accessible through the shell,  
 5 then developers are going to say, are perhaps  
 6 going to decide not to write to our APIs, but to  
 7 do something different than that. And so they  
 8 might go develop for the Macintosh, for example,  
 9 or develop for some other environment. They  
 10 might develop directly for Notes instead of  
 11 developing for Windows. This is our competition  
 12 to get developers to make us a platform.  
 13 Q. Was there a concern that Lotus or Novell  
 14 would create a competitive shell that would sit  
 15 on top of Windows?  
 16 A. Well there was certainly concern -- I  
 17 don't know with respect to Novell, or I don't  
 18 remember any discussions of that. Lotus, Jim  
 19 Mansy, who was head of Lotus, continually  
 20 positioned Lotus as an alternative development  
 21 environment to Windows, in a very active campaign  
 22 to encourage the development of Lotus aps as  
 23 opposed to Windows aps. And we were concerned  
 24 inside Microsoft that since Notes was at least a  
 25 public relations success, that in fact it would

1 become an alternative. And it certainly was true  
2 that some developers chose to put their energy  
3 into developing for Notes instead of for Windows.  
4 Q. Okay. In your last deposition -- or  
5 strike that. In the deposition for which I have  
6 a transcript you made a reference to Jim Mansy  
7 promoting that people "live in Notes".

8 A. Um-hum.

9 Q. Okay. What does that mean, to live in  
10 Notes?

11 A. It means --

12 MR. GRAUMAN: What page are we on?

13 MR. MARTIN: It's page 165; sorry.

14 A. Well I know what I meant.

15 Q. Let me ask you what you meant; that's all  
16 I care about.

17 A. What I would, again it's not because I  
18 remember saying that, but I know what I mean by  
19 saying that. The application that people live in  
20 is the one that's open on their desktop and takes  
21 most of screen space. You can say I live in  
22 e-mail because my e-mail client is always open.

23 Q. All right.

24 A. People more and more often live in their  
25 browser. And that's what I was talking about.

1 focused on that. So there's a double advantage  
2 to being the application that people live in.  
3 Q. Okay. Was Microsoft working to make sure  
4 that -- strike that. Was the development of  
5 Chicago intended to provide an environment in  
6 which users would live in Chicago?  
7 A. There was a great deal of debate inside  
8 Microsoft where we wanted users to actually live.  
9 And in general, each application group would have  
10 answered that, each group in Microsoft operating  
11 system or application would have answered that  
12 saying that they wanted their product to be where  
13 users lived. My contention was that users lived  
14 inside their mail client. None of us at the time  
15 were aware that users would end up living inside  
16 their Internet Explorer clients or Internet  
17 browser clients.

18 The Chicago people certainly felt that the  
19 Chicago interface would be where people lived.  
20 The developers of Cairo were thinking that some  
21 sort of interface to information in Cairo would  
22 be where people lived. So different people in  
23 Microsoft had a different view; each of us  
24 thought it would, hoped it would be some  
25 Microsoft component, and in general the one that

1 So if people see the whole Windows desktop,  
2 they're living in Windows. If they see just  
3 Mail, they're living in Mail. If they see just  
4 Notes, even if they can get behind it sometimes,  
5 then living in Notes is what I would call that.

6 Q. Is there an advantage to the company that  
7 provides the environment in which the user lives?

8 A. Yes.

9 Q. What's that advantage?

10 A. The advantage is that, and again there's a  
11 double advantage; one is that if it's a  
12 networking product as all these products are that  
13 I'm describing, one user affects another user.  
14 If I'm the President of a company and I'm using  
15 Notes, pretty soon everybody in the company is  
16 using Notes and living in the same environment  
17 I'm living in because they want to communicate  
18 with me. So you sell more product. And  
19 secondly, if the product that they live in is  
20 itself a platform, as Windows was, as Mail is, as  
21 Notes was positioned as, then developers are  
22 going to say hey, all the possible client -- all  
23 the possible customers are living in this  
24 application, let's write for that application  
25 environment, and you get the energy of developers

1 we were working on.

2 Q. And were there efforts undertaken to make  
3 sure that users didn't -- strike that. Were  
4 there efforts undertaken to try to persuade users  
5 not to live in competitors' applications?

6 A. There were efforts to make ours better  
7 than the competitors. I don't know how we'd get  
8 them not to use the competitors applications  
9 except by making ours better.

10 Q. Okay. And do you recall whether there  
11 were, there was a segment of the population that  
12 lived in WordPerfect?

13 MR. GRAUMAN: Objection to form.

14 A. I, I don't remember. I wouldn't have  
15 known that directly I guess.

16 Q. Okay.

17 A. I certainly never -- I don't remember  
18 spending any significant time thinking about  
19 that.

20 Q. Okay. What is the public folder  
21 capability that you referred to there? It's in,  
22 just so you see, it's in your number 1 and it's  
23 also in number 3. It's also in number 5.

24 A. Um-hum.

25 Q. It's also in number 6.

1 A. Um-hum. In the earlier versions of  
 2 Windows, a folder was something that lived on  
 3 your desktop; so it was a private folder.  
 4 Public folder was a folder that lived  
 5 somewhere else, presumably on a server of some  
 6 kind, that the metaphor is the same; you still  
 7 see a folder on your desktop, but the information  
 8 on your -- in that folder isn't really on your  
 9 desktop. And when you open it, you see a  
 10 collection of documents just as you would see on  
 11 your desktop, but those are documents which are  
 12 somewhere else and, or I guess there's two  
 13 attributes to a public folder; it's not local,  
 14 and it's accessible to more than one person or it  
 15 wouldn't be public.  
 16 Q. Okay. And you said that -- well I don't  
 17 want to put words in your mouth. Sorry, I was  
 18 trying to figure out -- I want to use his words  
 19 without --  
 20 Okay. A collection of documents just as  
 21 you would see on your desktop but those are  
 22 documents which are somewhere else; what does  
 23 that mean?  
 24 A. Well it means that they're physically on a  
 25 server somewhere.

1 Q. Okay.  
 2 A. Or off, I mean I say in a later paragraph  
 3 that we plan to use that, which I don't remember  
 4 but I'm reading it here, as a way of describing  
 5 sets of documents that live off on the Internet.  
 6 So again, that we'd use the same metaphor to give  
 7 you access to collections of information that are  
 8 remotely out on the Internet somewhere.  
 9 Q. So would the public folder be able to  
 10 gather information, documents from a variety of  
 11 different places?  
 12 A. The public folder is metaphor for a way  
 13 you get to documents and information from other  
 14 places.  
 15 Q. It's a displaying mechanism?  
 16 A. It's a displaying, something on the  
 17 computer on the desktop. It's not that there's  
 18 physically some folder somewhere.  
 19 Q. Right.  
 20 A. But it's an icon that the user sees which  
 21 triggers a behavior that reminds the user of  
 22 opening up a folder and seeing a bunch of  
 23 documents.  
 24 Q. Okay. Do the public folders have the,  
 25 this left pane, right pane hierarchal view and

1 browsers?  
 2 A. I don't remember what they had at the  
 3 time, but the idea was that they would have the  
 4 same view that private folders had.  
 5 Q. Okay.  
 6 A. That the user would have the same  
 7 interface for looking into, and the same  
 8 experience when looking at a public folder that  
 9 they did when looking at a private folder. But I  
 10 don't remember where we'd evolved at that time.  
 11 Q. Are you familiar with the phrase name  
 12 space extensions?  
 13 A. Yes.  
 14 Q. Did the public folder capability involve  
 15 name space extensions in any way?  
 16 MR. GRAUMAN: Objection to form.  
 17 A. I don't remember whether name space  
 18 extensions were part of the mechanism for  
 19 implementing public folders or not. May have  
 20 been, but I don't remember.  
 21 (Deposition Exhibit 7 was marked for  
 22 identification.)  
 23 Q. Okay. Let's go to the next one. Number 7  
 24 will be, I get to choose my Bates numbers here,  
 25 MX 5117033 through 34.

1 A. Okay.  
 2 Q. Was this one of the documents you looked  
 3 at today?  
 4 A. No.  
 5 Q. No? All right. Have you seen this  
 6 document before?  
 7 A. I don't remember having seen it before. I  
 8 may have.  
 9 Q. Okay. It starts off with an e-mail from  
 10 Mr. Gates to a group of people, including you; do  
 11 you see that?  
 12 A. Um-hum; I do.  
 13 Q. Do you know what the phrase iShellBrowser  
 14 refers to?  
 15 A. It appears, again I don't remember, but it  
 16 appears from the context that it refers to the  
 17 shell that's on Windows Explorer.  
 18 Q. Okay. Is iShellBrowser in your memory --  
 19 strike that. Do you recall whether iShellBrowser  
 20 was an interface that was exposed or part of the  
 21 Windows Explorer?  
 22 A. I don't remember.  
 23 Q. Let me ask that again because it was done  
 24 terribly. Do you recall whether iShellBrowser  
 25 was an interface that was part of the Windows

1 Explorer?  
 2 A. I don't recall it at all, but from the  
 3 context it appears that it was at least at that  
 4 point.  
 5 Q. Okay. Do you recall whether iShellBrowser  
 6 is the same interface that was the subject of the  
 7 discussions back in September of 1993?  
 8 A. No, I don't.  
 9 Q. Okay. Do you have any recollection of any  
 10 discussions about the decision whether or not to  
 11 publish iShellBrowser?  
 12 A. From the --  
 13 MR. GRAUMAN: Object to the form.  
 14 A. From this e-mail I discuss about whether  
 15 to publish various APIs including the ones that  
 16 are discussed here as iShellBrowser. But I don't  
 17 -- I'm not remembering from the time; I'm just  
 18 recollecting from reading this e-mail.  
 19 Q. What do you recall about the publication  
 20 of various APIs?  
 21 MR. GRAUMAN: Objection to form.  
 22 A. The only thing I recall directly, and  
 23 again rather than interpreting the e-mail that  
 24 you're putting in front of me, is discussion  
 25 about MAPI APIs.

1 Q. Was Marvel the Internet, MSN client?  
 2 A. I don't.  
 3 MR. GRAUMAN: Objection; asked and  
 4 answered.  
 5 MR. MARTIN: I know I haven't asked  
 6 that one.  
 7 MR. GRAUMAN: I know.  
 8 Q. Is it fair to say you have no recollection  
 9 whatsoever of the subject of this discussion  
 10 independent of this e-mail?  
 11 A. I have no recollection of the discussion.  
 12 Q. Okay. And do you have any recollection of  
 13 the decision whether or not to publish those  
 14 interfaces?  
 15 A. No, I don't.  
 16 Q. Do you have any recollection of any  
 17 changes that you made in your development plans  
 18 for any of the products that you were supervising  
 19 as a result of Mr. Gates's decision?  
 20 A. No, I don't.  
 21 Q. Do you have an understanding why Mr. Gates  
 22 chose not to publish those interfaces?  
 23 A. When, when I read his memo here now, I  
 24 understand what he was saying, but I don't  
 25 remember the discussion.

1 Q. Okay.  
 2 A. I don't remember any of the discussions  
 3 about the windows APIs. I see them all here in  
 4 the e-mail, I understand them, but I don't  
 5 recollect them.  
 6 Q. Okay. Do you have any recollection of  
 7 discussions about publishing name space  
 8 extensions APIs?  
 9 A. No, I don't.  
 10 MR. GRAUMAN: Objection; asked and  
 11 answered.  
 12 Q. In that e-mail from you to Mr. Gates you  
 13 write: "I understand the decision not to publish  
 14 the interfaces and won't argue with that."  
 15 A. Um-hum.  
 16 Q. And then you write in the second  
 17 paragraph: "These are a part of the Chicago  
 18 shell or can be positioned that way."  
 19 A. Um-hum.  
 20 Q. Do you know what you meant by they're part  
 21 of the Chicago shell?  
 22 A. I remember that I was arguing that the  
 23 mail client should be part of the Chicago shell.  
 24 I don't remember what Marvel was, by the way; I'm  
 25 trying to remember, but I don't.

1 Q. Okay. Your understanding is based purely  
 2 on reading it, correct?  
 3 A. Currently, yes.  
 4 Q. What's your understanding?  
 5 A. That he was -- when an interface is  
 6 published, it basically, not only does it mean  
 7 that other people can use it, but it means that  
 8 it's very, very difficult to change it, because  
 9 other developers have depended on it and they're  
 10 going to get very angry and their users are going  
 11 to get very angry if you break what they do. And  
 12 so each interface that you publish is in a sense  
 13 a commitment not to change anything for a long  
 14 time.  
 15 And I think what, from reading this, I  
 16 think what Bill is saying, and it's pretty  
 17 complex, is that we really haven't gotten these  
 18 to the point yet where we'd like to lock into  
 19 them; we're just not comfortable that they're as  
 20 complete or as polished or whatever as what we  
 21 want to lock into. We don't want to delay; he's  
 22 always pushing us not to delay. We know that  
 23 we're doing even more thought and more stuff in  
 24 what he's now calling Office Ren, which is what I  
 25 called Ren and Stimpj before, and so perhaps out

1 of that we'll get some interfaces that we do want  
2 to commit to, but right now we're not ready to  
3 commit to these so we're not going to publish  
4 them.

5 Q. What is your understanding of what Mr.  
6 Gates is saying when he wrote: "This is not to  
7 say there is anything wrong with the extensions.  
8 On the contrary, they are a pretty nice piece of  
9 work"?

10 A. I think that's pretty self-evident. He  
11 was saying -- you remember, people put years of  
12 work into these things, skilled people. And I  
13 think he's telling them don't feel that I think  
14 you did a shotty piece of work; it's just that  
15 the whole thing hasn't come together in the right  
16 time for Chicago, but don't feel bad about it.  
17 Again, I'm only telling you what I am inferring  
18 from what's in this.

19 Q. It also says in the first -- second  
20 paragraph at the end: "The shell group did a  
21 good job defining extensibility interfaces."  
22 What's your understanding of what that means?

23 A. I think it means that the group within  
24 Windows had prepared as if these were going to be  
25 exposed interfaces and had thought through the

1 previously told ISVs that those interfaces would  
2 be published?

3 A. No, I don't.

4 Q. Okay. Do you have any recollection other  
5 than what we've talked about now about the  
6 iShellBrowser or the decision to not publish the  
7 interfaces that are subject of this e-mail?

8 A. No, I don't.

9 Q. Okay. Five minutes; perfect. Why don't  
10 we change the tape. I'm actually going to go to  
11 a slightly different subject area. And We are at  
12 11:15, 11:20.

13 VIDEO OPERATOR: 11:21.

14 MR. MARTIN: 11:21; so my suggestion  
15 would be let's take a break, go for another  
16 hour, and then evaluate what we want to do.  
17 If it's short, maybe we'll just continue  
18 plowing through.

19 THE WITNESS: Yeah, if we can do it, I  
20 just as soon put off eating and get  
21 finished.

22 MR. MARTIN: I thought that might be  
23 your view.

24 VIDEO OPERATOR: Would everybody stand  
25 by just a moment. We're going off the

1 issues of doing that.

2 You know, Bill could be a very tough  
3 manager, and it's perfectly possible he would say  
4 in some cases that's junk, we're not going to  
5 expose that, we're not going to do it because  
6 you've done a bad job, you've been stupid, you've  
7 been brain dead. And here he's saying the  
8 opposite; you've done a good job, but all the  
9 things haven't come together so we're not going  
10 to do it.

11 Q. Based on your knowledge of Bill's  
12 personality, if they were junk, he would have  
13 said they were junk?

14 A. Correct.

15 Q. And it says in the end of that same  
16 paragraph we're looking at: "It is very late in  
17 the day to be" -- well it's actually written  
18 poorly. "It's also very late in the day to  
19 making changes to Chicago and Capone."

20 A. Um-hum.

21 Q. And I did ask this before, but does that  
22 mean that there were any changes made to Capone  
23 as a result of this decision?

24 A. I simply don't remember.

25 Q. Do you recall whether or not Microsoft had

1 record now at 11:21 AM.

2 (A brief recess was taken.)

3 VIDEO OPERATOR: This is the beginning  
4 of tape 3 in the video deposition of Tom  
5 Evslin. We're back on the record at 11:27  
6 AM.

7 (Deposition Exhibit 8 was marked for  
8 identification.)

9 BY MR. MARTIN:

10 Q. Mr. Evslin, let's move to a new document  
11 which is Number 8. It's MS7059702 through 11.  
12 And it's titled Work Group Mission Plan.

13 A. Okay.

14 Q. Okay?

15 A. Um-hum.

16 Q. I'm sure you haven't had a chance to  
17 digest the whole thing.

18 A. Right.

19 Q. But I will point you to various parts. Is  
20 this a memo that you prepared?

21 A. Again, I don't remember it; but it  
22 certainly appears to be.

23 Q. Okay. Did you prepare this in the  
24 ordinary course of your duties?

25 A. It appears I did.

1 Q. Okay. The first page there has the  
 2 Mission of the Work Group Division.  
 3 A. Yes.  
 4 Q. It's very difficult to read.  
 5 A. Right.  
 6 Q. Before I get there, what was the Work  
 7 Group Division?  
 8 A. That was the division that I ran.  
 9 Q. Before or after your promotion?  
 10 A. After my promotion.  
 11 Q. Okay. And this appears to be dated  
 12 February of 1994.  
 13 A. Yes, looks like it.  
 14 Q. Did the bullet point, the first bullet  
 15 point says: "Provide the dominant server and  
 16 clients for information exchange." Do you see  
 17 that?  
 18 A. Yes.  
 19 Q. That was one of the missions of your  
 20 division?  
 21 A. I don't remember, but that's what it looks  
 22 like.  
 23 Q. Okay. What does that mean, the dominant  
 24 server and client for information exchange?  
 25 A. The one that was used more than anyone

1 you might put it on a diskette or give it to  
 2 somebody else. Where Lotus Notes was originally  
 3 heralded as the premier collaborative product  
 4 because multiple people could work on the same  
 5 set of documents and each would see views that  
 6 reflected what other people were doing. And so  
 7 people working in different places would be able  
 8 to work together electronically without having to  
 9 go to the paper in between.  
 10 So the collaborative products were the ones  
 11 that allowed people to collaborate at the  
 12 electronic level.  
 13 Q. Okay. And the competition at this time  
 14 period was really among companies to provide the  
 15 best collaborative software?  
 16 A. That was a competition. I mean there were  
 17 certainly other competitions going on.  
 18 Q. Yes. I told you I'd ask a difficult  
 19 question; thank you, that was a good  
 20 clarification.  
 21 Your next bullet point for the mission of  
 22 the division was: Assure that Windows is the  
 23 best available client for information exchange  
 24 both through its UI and through its APIs.  
 25 A. Um-hum.

1 else.  
 2 Q. Did information exchange include more than  
 3 just mail?  
 4 A. Yes.  
 5 Q. Was there a trend toward providing  
 6 collaborative software during this time period?  
 7 A. Yes. The concept of collaborative  
 8 software was, was -- had caught the imagination  
 9 of the press, of information specialists in  
 10 companies. And so when, when the press talked  
 11 about competition between Microsoft and Lotus,  
 12 for example, it was, the belief was that it was  
 13 most important to be the leader in this  
 14 collaboration, in collaboration, collaborative  
 15 products.  
 16 Q. And I apologize if I'm recovering the same  
 17 ground we've covered before; I'm not sure I've  
 18 asked this. What is collaborative software?  
 19 A. Software that helps people work together  
 20 with the exchange of information, typically being  
 21 electronic. That is, a previous generation of  
 22 software like a word processing program wouldn't  
 23 have been thought of as collaborative because if  
 24 you wanted somebody else -- usually you just  
 25 printed out the document when you finished it, or

1 Q. What did you mean by through its UI?  
 2 A. I meant that a user using Windows would  
 3 have the best view of, have a better view of  
 4 information than they could, for example, get by  
 5 using the Lotus clients, than they would get on a  
 6 Macintosh, or on any other user interface.  
 7 Q. And this may sound like a dumb question,  
 8 but how important was the view on information?  
 9 MR. GRAUMAN: Objection to form.  
 10 A. With hindsight or with --  
 11 Q. Let's start with at the time and then you  
 12 can give me your hindsight.  
 13 A. Okay. At the time it seemed that it was  
 14 one of the key areas where software companies  
 15 would, were competing in selling to -- in selling  
 16 enterprise software.  
 17 Q. Okay. And what did you mean by through  
 18 its APIs?  
 19 A. I meant that developers developing for an  
 20 environment would also choose that environment,  
 21 depending on what good API access it had to  
 22 information. So both UI meant the user using it  
 23 directly; API meant making it available to a  
 24 developer to develop their own collaborative  
 25 applications but on top of the provided platform.

1 Q. Okay. When you talk about the provided  
 2 platform, is that the operating system or is that  
 3 the information exchange application?  
 4 A. In this case, in this sentence here, and  
 5 again I don't remember writing it but it's pretty  
 6 clear to me what it means, I was talking about  
 7 Windows, the desktop.  
 8 Q. Okay.  
 9 A. Because that's what I said.  
 10 Q. Okay. The next bullet point says:  
 11 Provide distinguishing information exchange  
 12 capabilities to Microsoft aps.  
 13 A. Um-hum.  
 14 Q. What did you mean there?  
 15 A. The -- part of what I -- I'm not  
 16 remembering it; I'm translating. I, what I'm  
 17 pretty sure that I meant is that, and I don't  
 18 remember this directly, but it sounds like we  
 19 were developing Capone entry inside our division  
 20 that other Microsoft groups might use; Capone  
 21 entry related to our messaging expertise. But I  
 22 don't remember doing it, so I can't quite say  
 23 what that was.  
 24 Q. Okay. Do you have any recollection what  
 25 it means to provide distinguishing information --

1 three of them are the top sellers, so it's  
 2 obvious. WordPerfect is at this point not  
 3 selling as much as DiVinci, but maybe the run  
 4 rate was higher. I may have been using last  
 5 year's run rate or something.  
 6 Q. Back at this time period you viewed  
 7 WordPerfect as one of the big three; is that  
 8 right?  
 9 A. Apparently; that's what I wrote.  
 10 Q. If we could go to, two more pages, at the  
 11 bottom it's Bates number 705, and it starts off  
 12 at the top subheading 3, Competition.  
 13 A. Um-hum.  
 14 Q. You write about Lotus.  
 15 A. Um-hum.  
 16 Q. And the broader Notes strategy is to make  
 17 shell the place you live instead of Win and Mac  
 18 shells; do you see that?  
 19 A. Yes.  
 20 Q. Is that consistent with the discussion we  
 21 had earlier about --  
 22 A. Yes, it is.  
 23 Q. Okay.  
 24 A. And again, not from memory, but from  
 25 context, yes.

1 A. No.  
 2 Q. -- to Microsoft aps?  
 3 A. No, I don't remember what we were  
 4 providing that I thought was important.  
 5 Q. When you use the phrase Microsoft aps, did  
 6 you mean to include Microsoft Office and those  
 7 products?  
 8 A. I don't remember writing this.  
 9 Presumably, but I don't remember writing it.  
 10 Q. Okay.  
 11 A. Those were Microsoft aps.  
 12 Q. Sure. The next page, if you look at it,  
 13 there's a chart.  
 14 A. Um-hum.  
 15 Q. Providing sales and projections into  
 16 messaging, scheduling, and sharing reflecting  
 17 current products.  
 18 A. Um-hum.  
 19 Q. I'm just reading that from the top. You  
 20 have Lotus, CC Mail, WordPerfect and Microsoft  
 21 Mail grouped as the big three.  
 22 A. Okay.  
 23 Q. Why did you group them as the big three?  
 24 A. I'm not sure; I don't remember doing this.  
 25 I mean clearly they were among -- two of the

1 Q. You've just reminded me of the third thing  
 2 I tell witnesses at the start of a deposition.  
 3 I'll try to make sure you finish your answer  
 4 before I ask a question if you'll wait for me to  
 5 finish the question before you give me an answer.  
 6 A. Okay.  
 7 Q. And that's, that's purely for her benefit.  
 8 A. Um-hum.  
 9 Q. It's tough to take it down.  
 10 Then under WordPerfect down there you  
 11 write: "Their strategy is to move into corporate  
 12 market by leveraging their installed word  
 13 processing base and continue their medium  
 14 business success by leveraging Novell resellers."  
 15 Do you have an understanding what you  
 16 meant when you wrote that?  
 17 A. No.  
 18 Q. Did WordPerfect have a significant  
 19 installed word processing base at the time?  
 20 A. Yes.  
 21 Q. And WordPerfect also had a mail product;  
 22 is that right?  
 23 A. Apparently. I mean I -- yes, they did;  
 24 yes, they did.  
 25 Q. Do you remember Group Wise?

1 A. I remember the name.

2 Q. Do you remember it as being Novell

3 WordPerfect collaborative software?

4 A. No, I don't.

5 Q. Okay, fair enough. There's a list of WP

6 Strengths and Weaknesses.

7 A. Um-hum.

8 Q. Were you the person that came up with that

9 list?

10 A. I don't remember. This document, from the

11 format of this document and the address list, it

12 was probably something that was prepared for I

13 think they were annual meetings of regional

14 directors, which would have been the sales

15 organizations around the world. This is much

16 more formal than an e-mail.

17 Q. Right.

18 A. And if it's that, I would have had my name

19 on it, I certainly would have coordinated putting

20 it together, but it doesn't imply that I wrote it

21 all.

22 Q. Okay.

23 A. My e-mails usually would have been my sole

24 product. So I have no idea whether I wrote this

25 or not.

1 Q. Okay. If your name is on it -- well

2 strike that. Your name is on it.

3 A. Um-hum.

4 Q. Did you review and supervise?

5 A. I'm sure. Again, not from memory; but

6 things were not prepared with my name on it that

7 I didn't look at.

8 Q. And you wouldn't have sent something out

9 with your name on it that you didn't approve; is

10 that right?

11 A. That's correct.

12 Q. So there's a list here of WP's strengths?

13 A. Um-hum.

14 Q. Well integrated mail and scheduling; do

15 you see that?

16 A. Um-hum.

17 Q. That was your view at the time, that

18 WordPerfect had well integrated mail?

19 A. Um-hum. I don't remember it, but it's

20 here obviously.

21 Q. Again I'll caution you, let me just finish

22 the question for her.

23 A. Okay.

24 Q. Cross platform, could you tell me what you

25 meant by that, or what is meant by that?

1 A. Yes. What cross platform means is that it

2 runs on at least Windows and the Macintosh, or in

3 the context I would have used it in those days,

4 probably DOS as well. It's not restricted to one

5 operating system.

6 Q. Okay. Why was that considered a strength?

7 A. In many organizations there was a mix of

8 Macs and PCs. And so if somebody was going to

9 buy a product, they might rule a product out if

10 they couldn't make it a standard for the whole

11 organization. In order to be a standard for the

12 whole organization, it would have to be cross

13 platform.

14 Q. Okay. And the last entry under the

15 Strengths is: Strong awareness in small/medium

16 business. Do you have an understanding of what

17 was meant by that?

18 A. I don't have any memory of what was meant

19 by that. But it seems to imply that I or whoever

20 wrote this had market information that indicated

21 that small or medium -- that there was particular

22 penetration of WordPerfect in small and medium

23 offices.

24 Q. Okay. If we go to the next page.

25 A. Um-hum.

1 Q. You have a list of Key Product Releases.

2 One, two, three full paragraphs down you wrote --

3 strike that. Three paragraphs down it says:

4 "The Chicago client is built into the Chicago

5 Explorer, along with what used to be File Manager

6 and Program Manager capabilities." Do you see

7 that?

8 A. Um-hum.

9 Q. What was the Chicago client you're

10 referring to there?

11 A. I don't know. It doesn't say Capone; it

12 says Chicago, so I'm not sure what it meant.

13 Q. Do you recall what it meant --

14 A. I mean I'm not even sure why I wrote it

15 because it's not my product, but I did for some

16 reason.

17 Q. Do you recall why -- strike that.

18 A. I'm sorry.

19 Q. Go ahead.

20 A. In the context here, what I mean is the

21 mail client for Chicago. I can tell that by my

22 later writing about other clients.

23 Q. Okay. And is that what we've been

24 referring to as Capone?

25 A. Yes.

1 Q. And it's written here that it's built into  
 2 the Chicago Explorer. Do you have any  
 3 understanding what that means?  
 4 A. I, I understand what it means; I'm not --  
 5 I think that isn't what eventually happened. But  
 6 is that it is very well integrated with Chicago  
 7 is what I mean and that the user gets a common  
 8 experience with Explorer. That's what I wanted  
 9 to have happen; I'm not sure that's what did  
 10 happen.  
 11 Q. Does the fact that this is written in  
 12 February '94 and say it's built into the Chicago  
 13 Explorer refresh your recollection that at the  
 14 time the plan was to build the Chicago client  
 15 into the Chicago Explorer?  
 16 MR. GRAUMAN: Objection; foundation.  
 17 A. Again I don't recollect that. It's a  
 18 pretty good assumption from my writing that.  
 19 Q. Okay, fair enough. If we could go to I  
 20 think it's two more pages later, it's Bates  
 21 number ending 708.  
 22 A. Um-hum.  
 23 Q. Under Marketing Strategy, the second  
 24 paragraph, and then the third sentence says:  
 25 "But notes as a threat to Microsoft both as an

1 written to Notes could run on both Windows and  
 2 the Macintosh, so it would be less important  
 3 whether you had Windows and Macintosh and only  
 4 important that you had Notes. So that was the  
 5 threat that we perceived.  
 6 Q. Do you recall Mr. Gates talking about the  
 7 threat that he perceived that Lotus presented to  
 8 Microsoft?  
 9 A. Yes.  
 10 Q. What was his view?  
 11 A. I think the view I just described to you  
 12 is pretty much his view as well as mine, and most  
 13 of us there.  
 14 Q. Okay. Did Mr. Gates commission work by  
 15 you -- strike that. Did Mr. Gates ask you to do  
 16 work specifically to compete with Notes?  
 17 A. Yes.  
 18 Q. Okay. And did he use the term like anti-  
 19 Notes strategy, or --  
 20 A. I don't remember, but he certainly asked  
 21 me to make sure that my products were, provided  
 22 competition to Notes.  
 23 Q. Okay. If you look up at the top chart on  
 24 that page.  
 25 A. Um-hum.

1 alternative UI to Windows and as an application  
 2 platform." What's that reference to threat as an  
 3 alternative UI mean?  
 4 A. It means that, again this is that thing  
 5 about where users live, that the way users may  
 6 get the information, even though Windows, the  
 7 Windows client -- excuse me, Notes client might  
 8 run under Windows from a technical point of view,  
 9 that it would be where the user's attention was  
 10 focused.  
 11 Q. And was that viewed by Microsoft  
 12 executives as a threat to the operating system?  
 13 A. Yes.  
 14 Q. Why was that?  
 15 A. We knew that the success of an operating  
 16 system depends on developers writing applications  
 17 for the operating system. And we'd seen that  
 18 demonstrated with the Macintosh, we'd seen that  
 19 happen even with early versions of Windows, so we  
 20 knew that was very, very important. We knew that  
 21 developers' attention would go to where users'  
 22 attention was. And so if Notes dominated users'  
 23 attention, Notes would get the lion's share of  
 24 developer investment.  
 25 And what's more, in theory something

1 Q. Actually, just for clarity, that chart  
 2 actually spills over to the page before it.  
 3 A. Um-hum.  
 4 Q. Where it talks about Current Strengths and  
 5 Current Weaknesses.  
 6 A. Um-hum.  
 7 Q. And I believe that refers to Microsoft  
 8 Mail; is that fair?  
 9 A. Yes. Which means, by the way, the  
 10 current, then current version of Microsoft Mail,  
 11 the one that I had inherited in Canada. Does not  
 12 mean the Exchange client or --  
 13 Q. Okay, fair enough.  
 14 A. Because we're talking about out selling;  
 15 so this is a product that's in the marketplace.  
 16 Q. Right. Under the Current Weaknesses, I'm  
 17 going to that next back page, I had to flip back  
 18 for the title. It says: "No integrated  
 19 calendaring compared to WordPerfect Office." Do  
 20 you see that?  
 21 A. Um-hum.  
 22 Q. Why was that viewed as a weakness?  
 23 A. We felt that users often used e-mail and  
 24 their calendars together, as in sending an  
 25 invitation, for example, and so you could get the

1 best user experience by integrating the two, as  
2 was done later in Windows Mail clients. But the  
3 original Windows Mail client that we had  
4 purchased, that Microsoft had purchased before I  
5 came there, didn't have that integration.

6 Q. And WordPerfect Office did have that  
7 integration?

8 A. Apparently.

9 Q. Was that perceived as an advantage to be  
10 integrated with calendaring?

11 A. We thought that that's something users  
12 want. We were planning future products to have  
13 that in it.

14 Q. Okay. If you look at the next page,  
15 there's a paragraph that starts with: "Smaller  
16 installations are the area where we are weakest  
17 today". Do you see that? It's about half way  
18 down.

19 A. Yes.

20 Q. The memo says: "This is wholly a  
21 messaging market today and is dominated by  
22 WordPerfect Office at the low end and CC Mail at  
23 the higher end." Do you see that?

24 A. Um-hum.

25 Q. And is that a fair characterization of the

1 after he's done, feel free to do so.

2 MR. GRAUMAN: Sure. Got it? Thanks.

3 A. Okay.

4 Q. Okay? This is an e-mail exchange between  
5 you and Bill Gates, correct?

6 A. It is.

7 Q. Starts with an e-mail from Mr. Gates to  
8 you from November of '94; is that right?

9 A. It looks like it, yes.

10 Q. Okay. In the second paragraph Mr. Gates  
11 writes about an Email Roundup. What's an Email  
12 Roundup?

13 A. From the context, it looks like that's a  
14 feature that's about to appear in some  
15 publication, something that's going to be called  
16 the Email Roundup, an article of some kind.

17 Q. Do you recall that various mail products  
18 were subject to testing by publishers and in  
19 publications around this time?

20 A. Sure; but I don't recall whatever specific  
21 article he's talking about.

22 Q. Okay. So from time to time a publication  
23 would compare the various products, right?

24 A. Absolutely.

25 Q. Okay. And did Microsoft pay attention to

1 market at the time?

2 A. I don't remember.

3 MR. GRAUMAN: Objection. Which market  
4 are we talking about?

5 MR. MARTIN: The messaging market.

6 A. I think smaller installations in the  
7 messaging market is what this is about.

8 Q. Okay.

9 A. Not about the whole messaging market.

10 Q. Okay. Do you have any recollection of  
11 WordPerfect Office dominating the low end of the  
12 smaller installation messaging market?

13 A. I don't remember that anymore. That's  
14 clearly what I'm saying here.

15 Q. And that was your view at the time?

16 A. Presumably.

17 (Deposition Exhibit 9 was marked  
18 for identification.)

19 Q. All right. Let's go to -- you can put  
20 that one aside now. Exhibit 9 is MX 5066863  
21 through 64.

22 MR. MARTIN: Ed, I don't have a copy of  
23 this right now; I'm looking for it. I  
24 thought I had two copies of everything. So  
25 if you want to take a second to look at that

1 the -- strike that. Did you pay attention to the  
2 results of those comparisons?

3 A. Yes.

4 Q. Okay. Did -- were you aware of others at  
5 Microsoft paying attention to those comparisons?

6 A. I don't remember it, but I'm sure I would  
7 have been.

8 Q. Okay. If, if -- in a situation where  
9 Microsoft mail came in at the bottom of a  
10 comparison, would you hear from Mr. Gates?

11 A. I would expect to.

12 Q. Okay. Do you recall hearing from Mr.  
13 Gates in connection with this particular Email  
14 Roundup?

15 A. No, I don't.

16 Q. Okay. It's typical for Mr. Gates to raise  
17 this issue, though, wouldn't it have been?

18 A. It certainly would have been in character.

19 Q. Okay. On the second page there he writes  
20 in the second sentence: "Both CC Mail and  
21 GroupWise have features on the front and back end  
22 that are equal to and better than what MS Mail  
23 offers today." Do you have any understanding  
24 what Mr. Gates meant when he wrote that to you?

25 A. Only the understanding that comes from

1 reading the sentence past it where he's

2 describing some of those.

3 MR. GRAUMAN: Can we also just note for

4 the record that this paragraph appears to be

5 enclosed in quotation marks.

6 Q. Okay. Okay. In response to Mr. Gates's

7 e-mail to you, you wrote that: "We will have a

8 complete facelift and lots of new functionality

9 on the existing back end."

10 A. Um-hum.

11 Q. What did you mean by that? Let me be more

12 specific; what did you mean by the existing back

13 end?

14 A. By the existing back end, I meant the,

15 what we called the shared files system; you'll

16 see that referred to as SFS in other places in

17 this memo, which is the way that the existing

18 Microsoft Mail product exchanged messages between

19 clients.

20 Q. Okay.

21 A. So I meant that the exchange, I'm not

22 talking about Exchange server here now; I'm

23 talking about people using the existing mail

24 mechanism, the mechanism in the existing

25 Microsoft Mail, who would have a new front end

1 even though they'd still be using the same back

2 end processing.

3 Q. And the back end is the software that

4 resides on the computer that's somewhere in the

5 enterprise?

6 A. No, just to make life more confusing --

7 Q. We're using a different term for back end

8 here?

9 A. Yeah. They, Microsoft Mail, except for

10 the Mac version, was not a client server system;

11 it was a shared file system. Each client wrote

12 files where other clients could find them. And

13 so the back end was just the part of the client

14 software that the customer didn't see directly

15 but did the administrative part of managing mail.

16 Q. So the back end was actually part of the

17 client?

18 A. The back end was actually built into the

19 client, right.

20 Q. Okay; okay. Your write in four more

21 paragraphs: "Now that Lotus, Novell and HP are

22 all saying they'll support the client on their

23 back ends, we'll have taken one of the big steps

24 you talked about by building THE", in caps,

25 "client into the OS (not as much in as it was but

1 still in)."

2 What's the reference to they'll support

3 the client on their back ends?

4 A. They were saying that they would support

5 -- if I remember correctly, they were saying that

6 they would support MAPI, which would have meant

7 that the client would have worked on their back

8 ends.

9 Q. Okay. So this is actually a reference to

10 the support that Lotus, Novell, and HP gave to

11 MAPI?

12 A. I believe it is.

13 Q. Okay. And then what is the reference to

14 THE client into the OS with the capital THE?

15 A. It's I'm sure a reference to whatever

16 client capability remained shipping with Windows

17 after the other discussions which we've talked

18 about before.

19 Q. Okay. In the next paragraph you wrote,

20 and maybe this is a typo but you tell me: "What

21 we don't have is a plan to really exploit this to

22 get the headline you wanted about MS taking

23 unfair advantage by putting the client in

24 Windows." What does that mean?

25 Let me ask more specifically; what does it

1 mean about the headline you wanted about MS

2 taking unfair advantage?

3 A. Again, I don't remember this. What it

4 sounds like I'm saying is that Bill had said to

5 me, or said in some context as I understood it,

6 that he wanted the press to be writing that

7 Windows had an unfair advantage, presumably

8 because that would call attention to how powerful

9 Windows was, how useful it was.

10 Q. So Mr. Gates wanted the headline that said

11 unfair advantage because it might point out the

12 synergy or the integration of the product?

13 A. I'm speculating from what I wrote here.

14 Again I don't remember that; that's what I

15 appear to have written.

16 Q. Do you have any recollection of Mr. Gates

17 telling you on this occasion or any other

18 occasion that he wanted to get headlines about

19 Microsoft taking unfair advantage?

20 A. No, I don't.

21 (Deposition Exhibit 10 was marked

22 for identification.)

23 Q. Okay. Let's jump to the next one. I'm

24 moving a little more quickly with the documents

25 here. Exhibit 10 is MS 0183800 through 21.

1 That's yours, and that's yours.  
 2 A. Um-hum.  
 3 Q. Is this a presentation that you put  
 4 together?  
 5 A. Yes, it is.  
 6 Q. And the reference to strawman, what's that  
 7 mean?  
 8 A. That means that I've taken the liberty of  
 9 putting together a presentation for everybody to  
 10 criticize or make changes to.  
 11 Q. And was one of your job duties to provide  
 12 presentations to -- well strike that. The  
 13 subject is BOOP 2/9. What is BOOP?  
 14 A. Bill and the Office of the President.  
 15 Q. And I know you explained what this was in  
 16 the prior deposition, but if you can just do it  
 17 again, what that means?  
 18 A. It means that decisions -- at that point  
 19 Microsoft didn't have a President, and so  
 20 decisions were often made by a triumvirate of  
 21 Bill, Mike Maples and Steve Balmer. Mike and  
 22 Steve were referred to as the OOP, the Office of  
 23 the President. And then if they met with Bill  
 24 then they were the BOOP, because they were Bill  
 25 plus the Office of the President.

1 Q. And did you from time to time have to give  
 2 presentations to the BOOP?  
 3 A. Yes.  
 4 Q. Okay. And was this prepared for one of  
 5 those?  
 6 A. I don't think so.  
 7 Q. Okay.  
 8 A. Well I don't -- I do vaguely recall this,  
 9 unlike most of the things you've showed me.  
 10 Q. Okay.  
 11 A. Okay? And I think I prepared it for  
 12 meeting of the people who were on the To line.  
 13 But from my Subject line maybe I -- yeah, see  
 14 that's on the 6th, the BOOP was on the 9th. So I  
 15 guess I was suggesting that we present this to  
 16 the BOOP.  
 17 Q. Okay.  
 18 A. That's what it looks like to me.  
 19 Q. Okay. And do you recall a meeting on  
 20 Marvel/EMS/Chicago Synergy?  
 21 A. Yeah, I'm still trying to remember what  
 22 Marvel was. But I do recall a meeting that we  
 23 discussed this.  
 24 Q. Is EMS the Exchange server?  
 25 A. Yes.

1 Q. In the second paragraph on this cover  
 2 page, the e-mail part, you write about Info  
 3 Center. What's Info Center?  
 4 A. I don't remember.  
 5 Q. All right. You wrote that you've added a  
 6 little about Office 95 since it is part of the  
 7 synergy picture. Why is it part of the synergy  
 8 picture?  
 9 A. I don't remember that, but I think what  
 10 I'm talking about here now is a way to present  
 11 Microsoft, not to sell a particular product, but  
 12 Microsoft strategy as a whole towards information  
 13 management in a time when the Internet is just  
 14 beginning to become significant. And that I felt  
 15 that various groups throughout the company had,  
 16 had different roles to play, and I apparently  
 17 felt that Office Products had a role to play in  
 18 this as well.  
 19 Q. Do you remember what role Office Products  
 20 were going to play?  
 21 A. I think it's, it's probably that Ren and  
 22 Stimp were already over there and I was probably  
 23 thinking about them.  
 24 Q. Okay.  
 25 A. But it may have been more than that.

1 Q. Was there a product called Information  
 2 Exchange?  
 3 A. That's the Exchange server.  
 4 Q. Okay; okay.  
 5 A. I'm sorry, in the context I used it here,  
 6 no. Information exchange is a strategy and a  
 7 concept rather than a product.  
 8 Q. Okay.  
 9 A. That's confusing, because I had at one  
 10 point Exchange was called Information Exchange.  
 11 Q. Okay. If you go to what's, what do we use  
 12 as the Bates number in the convention? Did I  
 13 give a Bates number here?  
 14 MR. GRAUMAN: I don't think so.  
 15 Q. It's MS-CC-RN 00000878738.  
 16 MR. GRAUMAN: Which one are you looking  
 17 at? I don't see that on mine.  
 18 MR. MARTIN: Isn't this the Exhibit  
 19 number? Enclosure is My strawmen? Or do we  
 20 have a different Bates number?  
 21 MR. GRAUMAN: I have MS with FLAG.  
 22 MR. MARTIN: All right. Well it's the  
 23 same document; it's just a different -- same  
 24 document, different format. But let's make  
 25 it clear for the record that it's MS

1 0183800. I think I actually did read this  
 2 in the record. Well I've certainly  
 3 clarified it.  
 4 Q. Anyway, I wanted to look at the page that  
 5 has at the top Information Exchange of Windows  
 6 and then the screen shot.  
 7 A. Okay.  
 8 Q. And there is an icon for Info Exchange; do  
 9 you see that?  
 10 A. Um-hum.  
 11 MR. GRAUMAN: That's MS 0183803.  
 12 MR. MARTIN: Thanks.  
 13 A. Um-hum.  
 14 Q. Was, can you tell me what that icon  
 15 represented? Was that a planned -- strike that.  
 16 Just tell me.  
 17 A. I believe this was my proposal to unify  
 18 the foldering.  
 19 Q. And that left hand pane, or the top level  
 20 is file cabinet; is that from Chicago?  
 21 A. I think so.  
 22 Q. And is this a graphic demonstration of how  
 23 your product would integrate into Chicago?  
 24 A. I think this is my proposal for how a  
 25 series of products would be integrated, including

1 my product.  
 2 Q. Okay. And what was your proposal?  
 3 A. As we discussed earlier, that there should  
 4 be one view of folders, whether those folders  
 5 were mail folders, whether they were folders of  
 6 shared documents in remote places, or folders  
 7 that were local to a user's own hard drive.  
 8 Q. And this is a graphic depiction of that  
 9 description you gave; is that right?  
 10 A. Exactly.  
 11 Q. Okay. Do you know the mechanism by which,  
 12 for example, Info Exchange would integrate into  
 13 the Explorer?  
 14 A. I was proposing that this be the UI.  
 15 Q. Okay.  
 16 A. And I don't think at this level I was  
 17 proposing how it be done, but what it looked like  
 18 to the user.  
 19 Q. You were thinking more conceptually then  
 20 --  
 21 A. Right.  
 22 Q. -- in terms of the fundamentals of how to  
 23 do it?  
 24 A. Fundamentals of what it should look like  
 25 rather than how to do it.

1 Q. Okay. Do you remember the -- strike that.  
 2 Would Info Exchange have integrated into this  
 3 view via an interface exposed by Chicago?  
 4 A. Again I don't think I was at that point  
 5 thinking about how to do it, but just what it  
 6 should look like.  
 7 Q. Okay; okay. Is this a depiction of a name  
 8 space?  
 9 A. In technical terms, yes.  
 10 Q. Okay. Do you know what ever happened to  
 11 this proposal?  
 12 A. Nothing, I don't believe. We still don't  
 13 have full integration of mail into folders.  
 14 Q. The next page says Shared Goals.  
 15 A. Um-hum.  
 16 Q. And you wrote: "Exploit the synergy  
 17 between Microsoft products to uniquely advantage  
 18 each product." What does it mean to uniquely  
 19 advantage each product?  
 20 A. I think I was trying to convince the other  
 21 product managers that we all had something to  
 22 gain if we synergistically, if our products  
 23 synergistically had the same view of data; that  
 24 each one of the individual products would gain  
 25 from this synergy.

1 Q. Okay.  
 2 A. I remember writing this, but I don't  
 3 remember why I wrote each line that I wrote.  
 4 Q. Okay. Is the reference to unique a  
 5 reference to unique to Microsoft?  
 6 MR. GRAUMAN: Objection; form.  
 7 A. I don't remember why I wrote it. It's  
 8 what it appears to say.  
 9 Q. Okay. Two more pages there's a heading  
 10 that says Windows 4.0 Goals?  
 11 A. Um-hum.  
 12 Q. Was Windows 4.0 a term that was used for  
 13 Chicago?  
 14 A. I believe it was.  
 15 Q. Okay. And the last bullet point says:  
 16 "Keep middleware such as Notes, Novell, OpenDoc,  
 17 and DSOM and OS competitors such as OS/2 and  
 18 Personal Netware at bay." What's the reference  
 19 to middleware mean?  
 20 A. It means, and I don't remember writing  
 21 this but I do remember writing that term, what I  
 22 meant when I used that term.  
 23 Q. Okay.  
 24 A. It meant software that could be -- that  
 25 wasn't the operating system itself, although OS/2

1 is one, but software that the application, whose  
 2 API applications would be written to.  
 3 Q. Okay. Notes was considered middleware?  
 4 A. Yes.  
 5 Q. Novell was considered middleware?  
 6 A. Probably Novell MHS; but Novell itself  
 7 wasn't a product, but --  
 8 Q. Okay. Any other --  
 9 A. Maybe Novell, I may have meant Novell file  
 10 handling as well; I'm not sure what I meant by  
 11 that, but I meant some product of Novell's.  
 12 Q. OpenDoc?  
 13 A. I don't remember what it was.  
 14 Q. Okay. What's DSOM mean?  
 15 A. Somebody's open messaging, but I'm not  
 16 sure whom.  
 17 Q. Okay. Go one, two, three more pages, the  
 18 heading of Positioning Information Exchange.  
 19 A. Um-hum.  
 20 Q. Last bullet point says: "Something only  
 21 Microsoft can do."  
 22 A. Um-hum.  
 23 Q. What does that mean, "Something only  
 24 Microsoft can do"?  
 25 A. I don't remember that. But from the

1 And it was challenging. It was fun.  
 2 Q. You've written that Mr. Gates managed to a  
 3 large degree by bullying.  
 4 A. Yes, I have written that.  
 5 Q. What did you mean by that?  
 6 A. What I meant was that his style was  
 7 intimidating. Some managers manage by praise;  
 8 good job, could I have a little more of that, and  
 9 so on.  
 10 Mr. Gates' most famous line to any of us  
 11 who was presenting was that's the dumbest fucking  
 12 thing I've heard since I've been at Microsoft.  
 13 And anybody who was going to present to him had  
 14 to learn to survive having that said to them and  
 15 go on. Bill would tell whether an idea was good  
 16 by testing it by arguing with it; not by trying  
 17 to find reasons why it was a good idea, but to  
 18 try to find ideas why it wasn't. It wasn't  
 19 because he was a negative person, it just simply  
 20 was the way he managed. And so his assumption  
 21 was if you couldn't answer those questions, that  
 22 it probably wasn't a very good idea and it wasn't  
 23 worth much consideration. So people who could  
 24 stand up to that tended to succeed. Some good  
 25 ideas fell by the wayside because the presenters

1 context of this I think what I'm saying is that  
 2 only Microsoft has a wide enough suite of  
 3 products, a wide enough range of products, not  
 4 suite, so that each of these many pieces could be  
 5 implemented.  
 6 Q. Okay. I'm going to ask you some questions  
 7 about what it's like to give a presentation at a  
 8 BOOP, but know why that is. What was it like to  
 9 give a presentation at the BOOP?  
 10 MR. GRAUMAN: Objection to form.  
 11 A. That was an interesting experience. You,  
 12 if you were boring, you would probably get cut  
 13 off.  
 14 You could never tell what Bill Gates was  
 15 thinking, because he always had his eyes closed  
 16 and he was rocking back and forth. And that  
 17 could mean he was asleep, it could mean he was  
 18 thinking about something else, or it could mean  
 19 that he was thinking intensely about what you  
 20 were saying.  
 21 You would generally have a sort of trial  
 22 by fire for your ideas, and you had to be able to  
 23 defend what you were saying and you had to say  
 24 what you were saying very quickly before you were  
 25 interrupted and couldn't go on with it.

1 couldn't stand up to what seemed like but really  
 2 wasn't a personal attack.  
 3 Q. Any other examples of Mr. Gates bullying?  
 4 A. Any other examples that I've given? I was  
 5 just talking in general.  
 6 Q. Examples of which you were aware, yeah.  
 7 A. Well usually when you made a presentation,  
 8 he would point out what were the dumb things in  
 9 it before he'd point out what the good things  
 10 were. He was very good at remembering what you'd  
 11 promised last time, you know. If last time you  
 12 presented something it was going to be delivered  
 13 in February and now you tried to slide it into  
 14 March, he would remember that you'd said February  
 15 the last time and be outraged against that, about  
 16 that.  
 17 Q. Any recollection of him bullying  
 18 competitors?  
 19 A. No, I don't think I ever saw him with  
 20 competitors.  
 21 Q. Okay.  
 22 A. I, when I wrote that I was talking about  
 23 the way he managed the Microsoft employees.  
 24 Q. Okay. And let's just mark it as an  
 25 Exhibit; I'm not going to have any more questions

1 about it, but it's blog entry, Fractals Of  
 2 Change.  
 3 A. Um-hum.  
 4 Q. I think the best way to put it in the  
 5 record is to give you the http.  
 6 A. Okay.  
 7 (Deposition Exhibit 11 was marked  
 8 for identification.)  
 9 Q. It's titled Microsoft Memories, two pages  
 10 with some comments. And you wrote that, right?  
 11 A. Yes.  
 12 MR. GRAUMAN: Do you have a copy of  
 13 that one as well?  
 14 MR. MARTIN: I don't. This is another  
 15 one of those where I thought I had another  
 16 copy. It's buried somewhere. This is the  
 17 problem with being a one person shop; I  
 18 suppose I could have somebody handing me  
 19 documents, but it's kind of late.  
 20 (Deposition Exhibit 12 was marked for  
 21 identification.)  
 22 Q. All right, let's give you Exhibit 12.  
 23 Which is MS 7058541 through 61.  
 24 A. Yes.  
 25 Q. Were you involved in promoting MAPI?

1 A. Yes.  
 2 Q. Were you involved in developing MAPI?  
 3 A. Yes.  
 4 Q. Okay. What was your role in developing  
 5 MAPI?  
 6 A. Initially I was, when I was in Canada I  
 7 didn't have direct responsibility for it; but  
 8 since I had more messaging expertise than lots of  
 9 other people, I was consulted on it by the people  
 10 who were developing it back in the States.  
 11 Q. Okay.  
 12 A. When I took over the job in Redmond, then  
 13 MAPI was part of my responsibility because it  
 14 came from my group. So I was responsible both  
 15 for promoting it and for its actual definition  
 16 and implementation.  
 17 Q. And what did you do to promote it?  
 18 A. I often spoke about it at forums. I spoke  
 19 about it with ISVs, I spoke about it with, at  
 20 customer, large, large commercial customers,  
 21 various gatherings of large commercial customers.  
 22 I believe that we put on some developer  
 23 workshops on how to use MAPI and what MAPI was.  
 24 And then at some point we proposed that we give  
 25 up some control over MAPI and have MAPI made a

1 public standard, which was a, both a strategy  
 2 that I had thought of and something that I  
 3 promoted with the users and tried to get the user  
 4 community behind, both developers and the  
 5 enterprise community.  
 6 Q. What do you mean by an open standard?  
 7 A. An open standard, MAPI was a, in one sense  
 8 had always been open in that we published it. It  
 9 was -- but the development of MAPI had been  
 10 purely within Microsoft. So MAPI was whatever  
 11 Microsoft said that MAPI was. It was equally  
 12 available to Microsoft developers and  
 13 non-Microsoft developers, but it was purely at  
 14 the discretion of Microsoft what was MAPI and  
 15 what was not MAPI. What I was proposing was that  
 16 a standards body, I think it was called XAPI,  
 17 which was actually run by a Lotus employee, but  
 18 was an industry standards body, approve MAPI or  
 19 some changes to MAPI as a standard, deliberately  
 20 so that it wouldn't be a unilateral Microsoft  
 21 declaration of an API so developers could have  
 22 more confidence that MAPI was being developed not  
 23 just in the interests of Microsoft and wouldn't  
 24 arbitrarily change in the interests of Microsoft.  
 25 So in that context by an open standard I

1 meant not only one that was published, but one  
 2 that had the importuner of some neutral standards  
 3 body.  
 4 Q. Okay. Were you aware of concerns  
 5 expressed by users and vendors that if Microsoft  
 6 controlled MAPI unilaterally, then it could cause  
 7 them problems?  
 8 A. Yes.  
 9 Q. Okay. What were those concerns?  
 10 A. Well just as you stated them; that other  
 11 vendors were saying that -- other vendors were  
 12 trying to convince developers not to write to  
 13 MAPI. And one of the things they would say is  
 14 well yes, sure, Microsoft published it, but how  
 15 do you know that they're not going to change it  
 16 next week and it won't be something different?  
 17 And our commercial customers -- and, you  
 18 know, frankly I wasn't about to be driven by what  
 19 our competitors said, but I certainly cared about  
 20 what the independent software vendors said and  
 21 what the commercial customers said. And most of  
 22 them said that if Microsoft has unilateral power  
 23 over it, it's not really as an attractive an API  
 24 as it would be if you would cede that power.  
 25 Q. And so by offering to create -- by

1 offering to make MAPI an open standard, you were  
2 proposing to level the playing field; is that  
3 fair?

4 A. I was proposing to both level the playing  
5 field and to give vendors, give ISVs and  
6 commercial users greater confidence in the  
7 standard.

8 Q. And the confidence would be the assurance  
9 that Microsoft would not make unilateral changes  
10 to advantage its own products; is that right?

11 A. Not make unilateral changes whether they  
12 were to advantage its own products or not, but  
13 yes.

14 Q. We've got five minutes of tape left; why  
15 don't we stop for a second. We'll stop so you  
16 can turn the tape over. We'll go off the record,  
17 how's that, temporarily.

18 VIDEO OPERATOR: We're going off the  
19 record now at 12:24 PM.

20 (A brief recess was taken.)

21 VIDEO OPERATOR: This is the beginning  
22 of tape 4 in the deposition of Tom Evslin.

23 We're back on the record at 12:33 PM.

24 BY MR. MARTIN:

25 Q. Mr. Evslin, I gave you that document

1 Microsoft created the Messaging Application  
2 Program Interface, MAPI, standard to ensure  
3 complete system independence for messaging  
4 applications." Do you see that?

5 A. Yes, I do.

6 Q. What does it mean to be system  
7 independent?

8 A. It means you wouldn't have to write the  
9 messaging applications differently if the back  
10 end mail system were CC Mail, Microsoft Mail,  
11 Lotus, WordPerfect. And presumably also means  
12 that you could write them the same way whether  
13 you were running on Windows or a Macintosh.

14 Q. Was the goal to enable any mail client to  
15 work with any mail server?

16 A. The goal was to enable someone to write a  
17 mail client which could then work with any mail  
18 server.

19 Q. Okay. And vice versa; any mail server  
20 could work with any mail client?

21 A. To enable someone to write a mail server.  
22 The reason I'm correcting you each time is if  
23 there was an existing mail client or mail server  
24 that didn't implement MAPI, it wouldn't magically  
25 get cross platform capability just because MAPI

1 before we broke, and then we never actually got  
2 to it. Do you recognize that overview?

3 A. Yes, I do.

4 Q. Can you tell me what it is?

5 A. It's an overview of MAPI, the Messaging  
6 Application Program Interface, as it existed in  
7 January of 1993.

8 Q. Okay. Were you involved in the  
9 preparation of this overview?

10 A. I consulted to the group that put together  
11 MAPI. I don't remember whether I worked on this  
12 document or not.

13 Q. Okay. And have you had a chance to look  
14 through it?

15 A. Briefly, yeah.

16 Q. Okay. And does it look like an overview  
17 that was created and provided in and around  
18 January '93?

19 A. Yes, it does.

20 Q. Okay. I'm going to have some questions on  
21 just some little sub parts here.

22 The first page, second to last paragraph it  
23 says, trying to make sure I have the whole  
24 sentence here: "In consultation with independent  
25 software vendors and industry consultants,

1 existed. But it says that anybody who writes an  
2 application or a server which implements MAPI can  
3 then be assured that other applications and  
4 servers which implement MAPI will work with it.

5 Q. Okay. When you were developing Microsoft  
6 Exchange, were there plans to create proprietary  
7 extensions from Microsoft Exchange server to the  
8 Microsoft Mail product?

9 MR. GRAUMAN: Objection to form.

10 A. No, there were not.

11 Q. Were you aware of any proprietary  
12 extensions that were implemented after you left  
13 Microsoft?

14 A. No, I wouldn't necessarily know how an  
15 extension was implemented, but I'm not --

16 Q. Okay. Do you understand what I mean when  
17 I say proprietary extension?

18 A. Um-Hum.

19 Q. Okay. Can I just ask what Microsoft  
20 Exchange Server did in fact implement proprietary  
21 exchange -- extensions?

22 A. The plan, as I said, when I was there, is  
23 that there would not be connection, proprietary  
24 connections between the client and the server  
25 that went outside of the MAPI service provider

1 interfaces so that other people couldn't  
2 duplicate them.  
3 Q. In your view, is that proprietary  
4 extension mechanism consistent with the goals of  
5 MAPI?

6 MR. GRAUMAN: Objection to form.  
7 A. The goal of MAPI were -- the goals of MAPI  
8 were to make it possible to write clients and  
9 servers in a non-proprietary way. That wouldn't  
10 prohibit someone, Lotus, for example, if they  
11 wanted to, from making some proprietary  
12 connection between their server and their client.  
13 But it, what it did is allow a way to provide the  
14 communication between a server and client without  
15 making a proprietary extension. So your question  
16 was I think prevent, and there's no way to  
17 prevent somebody from doing that.

18 Q. Right. No my question was whether or not  
19 the creation of proprietary extensions between  
20 one company's server and its mail product was  
21 consistent with the goals of MAPI?

22 MR. GRAUMAN: Objection; argumentative.  
23 A. Yeah, I, I think it's orthogonal.  
24 Q. It's orthogonal?  
25 A. That's Microsoft speak. MAPI can coexist

1 be created independent of MAPI between one  
2 company's server and its mail product?  
3 A. I don't remember that.  
4 Q. Were you aware of any complaints after you  
5 left Microsoft about Microsoft's implementing  
6 proprietary extensions between its server and its  
7 mail client?  
8 A. No.  
9 Q. Okay. How was MAPI to be distributed?  
10 A. There were, one -- there was to be  
11 something called a MAPI SDK, Software Developer  
12 Kit, which was both sample code and actual  
13 declarations that a programmer would include in  
14 their applications in order to use MAPI. We also  
15 -- and that the Microsoft products themselves,  
16 including the Mail client and including,  
17 including Windows including the Mail client, and  
18 including the Exchange server, would themselves  
19 implement MAPI. Now that -- and we hoped of  
20 course that other developers would implement MAPI  
21 as well.  
22 Q. Okay. For Windows 95 was MAPI intended to  
23 be a part of the operating system?  
24 A. The MAPI interfaces were intended to be a  
25 subset of the Windows interfaces.

1 with proprietary extensions. The goal of MAPI  
2 was, was to create a capability, not to stop  
3 other things. It was just to create an option of  
4 compatibility and openness. But it -- that  
5 didn't mandate it, that everything be open.

6 Q. Okay. In promoting MAPI as an open  
7 standard, did you tell vendors and competitors  
8 that Microsoft retained the right to create  
9 proprietary extensions to its own products?

10 A. I don't remember.  
11 Q. Okay. Would that have been an important  
12 fact to reveal to companies who were on the fence  
13 whether or not to adopt MAPI?

14 MR. GRAUMAN: Objection; calls for  
15 speculation.

16 A. I don't think so. I -- in fact, I think  
17 most people would have assumed, even though it  
18 wasn't the plan, that we would develop  
19 proprietary connections. And the important thing  
20 was that people believed that what they wrote to  
21 MAPI would work with the Microsoft products and  
22 would be maintained in the future; wouldn't be  
23 changed so that their products would break.

24 Q. Okay. Did anyone ever ask you about  
25 whether or not proprietary extensions could still

1 Q. Okay.  
2 A. As this document presents it.  
3 Q. Okay. And this document distinguishes  
4 between simple MAPI and extended MAPI, right?  
5 A. That's correct.  
6 Q. Both of those MAPIs were intended to be  
7 part of the operating system?  
8 A. That's a good question. I don't remember.  
9 I remember that simple MAPI was, and I don't  
10 remember whether complex MAPI, whatever the --  
11 Q. Extended MAPI?  
12 A. Extended MAPI was as well. I know that  
13 simple MAPI was.  
14 Q. Was there a plan to provide extended MAPI  
15 with the Exchange server?  
16 A. The service provider interface of extended  
17 MAPI, yes.  
18 Q. Just trying to figure out how to phrase a  
19 question that's technologically complex, at least  
20 to me. Were you aware of how -- strike that.  
21 Did you get and use Windows 95 when it came out?  
22 A. Yes.  
23 Q. Okay.  
24 A. I mean probably not immediately when it  
25 came out; I wasn't at Microsoft anymore.

1 Q. Right.

2 A. But at some point.

3 Q. Was the MAPI capability in the Windows 95

4 that you received?

5 A. I wasn't a developer anymore, so I

6 wouldn't have known that.

7 Q. Did you take a look, just out of

8 curiosity?

9 A. There's no real way to look unless you're

10 doing software development, so no.

11 Q. During your tenure, were there plans to

12 require a user to download, or load Microsoft

13 Exchange in order to get extended MAPI?

14 A. I'm hesitating because it -- I need to

15 correct the question a little.

16 Q. Well that's why I took so long to try and

17 phrase it; so feel free, please.

18 A. Our plans were certainly that any

19 developer could get the extended MAPI developer

20 kit, SDK. And they didn't have to buy Exchange

21 in order to do that, and they didn't have to,

22 they didn't have to buy Windows; they could buy

23 the Software Developer Kit. Buy or be given, I

24 forget which.

25 It was our plan to implement extended MAPI

1 as part of the Exchange server. It was our hope

2 that other developers of collaborative servers

3 would also implement extended MAPI; and that

4 would mean that a developer would be able to test

5 an extended MAPI application on any server which

6 implemented extended MAPI. Our only, the only

7 platform on which we would have provided extended

8 MAPI would be Exchange server. But we hoped it

9 would be provided on many other platforms as

10 well.

11 Q. Okay. So if an administrator wanted to

12 use a mail program that's not Microsoft, but is

13 is, is MAPI enabled.

14 A. Yes.

15 Q. Could that administrator do so without

16 downloading or loading, whatever the proper term

17 is, Microsoft Exchange?

18 A. If in fact other developers had

19 implemented the MAPI service provider interfaces

20 on their systems, which as far as I know none

21 did.

22 Q. Okay. So for Windows 95, an administrator

23 wants to enable its users to use both a Lotus or

24 a GroupWise mail system, as well as the Microsoft

25 Mail system. Did the administrator have to down-

1 load the Microsoft Mail system --

2 MR. GRAUMAN: I'm going to object.

3 MR. MARTIN: Feel free, but let me

4 finish the question before you object.

5 MR. GRAUMAN: Okay.

6 Q. Was there a requirement that the

7 administrator had to download the Microsoft Mail

8 product in order to use the MAPI?

9 MR. GRAUMAN: I'm going to object on

10 the grounds he's testified earlier he wasn't

11 with the company when it was released,

12 doesn't have personal knowledge of that.

13 MR. MARTIN: Fair enough.

14 A. All I know is plans when I was there.

15 Q. Right, I'm trying to cabin my questions

16 that way.

17 A. The plan was, the hope was that other

18 developers would implement the service provider

19 interfaces. If they didn't, and if we didn't

20 implement service provider interfaces for them,

21 which we thought about from time to time, then

22 even if you did buy the Exchange server or down-

23 load it, there wouldn't be any way you could use

24 MAPI with the other messaging systems. It had to

25 be built -- you know, think of it, if you think

1 of it as a sort of standardized coupling on a

2 hose, all right? Unless at the back end the hose

3 manufacturer implements some way to attach the

4 standardized coupling, it doesn't do you any

5 good. You can buy the standardized coupling if

6 you want. But if you can't bolt it onto the

7 hose, it isn't going to do you any good.

8 Well we couldn't control whether Lotus,

9 Novell, or anybody else implemented extended

10 MAPI, although they said they were going to. And

11 if they didn't, unless we had somehow built an

12 extended MAPI interface for them, you wouldn't be

13 able to use their servers with a MAPI client in

14 any way.

15 Q. Okay. So it was dependent on whether or

16 not other service providers --

17 A. Other.

18 Q. Server providers?

19 A. Yeah, the word service providers is,

20 right, implemented the service provider

21 interface.

22 Q. So if another server provider, Lotus or

23 Novell, implemented the MAPI service provider

24 interface, then in theory that, the mail

25 application for those products wouldn't have to

1 download Information Exchange or the Exchange  
 2 server?  
 3 A. Correct; absolutely correct.  
 4 Q. That was the plan?  
 5 A. That was the plan.  
 6 Q. Okay, I apologize for bogging those  
 7 questions.  
 8 A. No, it's a hard one.  
 9 Q. But it's very difficult for a non-computer  
 10 guy. I'll tell you, I was a computer science  
 11 major for a year, and I got out because it was  
 12 too darn hard. That's back when Cobalt was going  
 13 around.  
 14 Let's go back to the document, if we can,  
 15 the second page, the second paragraph, the second  
 16 to last sentence says: "MAPI does this by acting  
 17 as a broker between the PC client application and  
 18 the underlying messaging services." Now I know  
 19 you corrected me earlier when I used the term  
 20 broker, so --  
 21 A. Here provides a layer of functionality it  
 22 says here. Where are -- I'm not following the  
 23 same thing you are.  
 24 Q. Should be page 42, are you on that page at  
 25 least? The last, the second to last paragraph.

1 after this, we proposed that MAPI would be  
 2 submitted to XAPIA; and if they accepted it or  
 3 accepted it with modification, if they modified  
 4 it, then we would implement the modifications; if  
 5 they accepted it, that we would consider  
 6 ourselves bound and the future extensions could  
 7 be proposed by Microsoft or anybody else.  
 8 Q. Okay. That was the question I was trying  
 9 to ask, is how was it maintained. Once the  
 10 standard was set, how could new extensions be  
 11 added or taken away?  
 12 A. So initially a new extension would have  
 13 come either because Microsoft decided to do it,  
 14 perhaps, very well because somebody asked for it.  
 15 Q. Sure.  
 16 A. It's not that we didn't listen. But later  
 17 there was a more, we were proposing a more formal  
 18 mechanism for that.  
 19 Q. Okay. And did that formal mechanism, was  
 20 that accepted? Let me ask it differently.  
 21 A. I don't -- yeah, go ahead.  
 22 Q. Were there plans in place for people other  
 23 than Microsoft to identify extensions that should  
 24 be part of MAPI?  
 25 A. We had proposed a plan --

1 A. Okay.  
 2 Q. Second to last sentence.  
 3 A. Oh, okay.  
 4 Q. One, two, three, four lines up.  
 5 A. Um-hum.  
 6 Q. Okay? And is that an accurate description  
 7 of how MAPI operated?  
 8 A. I wouldn't have used those words. It's  
 9 not misleading, but it's not just not the  
 10 metaphor I would have used to do it. I would  
 11 have said a common language or something.  
 12 Q. Right; and that's when you corrected me  
 13 when I said broker.  
 14 A. Right.  
 15 Q. How was MAPI intended to be maintained as  
 16 an open standard?  
 17 A. That changes over time.  
 18 Q. Okay.  
 19 A. Initially when MAPI was developed it was  
 20 developed as a unilateral Microsoft standard and  
 21 it meant to be published, meant it to be publicly  
 22 available, meant to be supported with an SDK and  
 23 things that would encourage developers to write  
 24 to it, but with no discretion delegated. Later,  
 25 and I don't remember exactly when, but I think

1 Q. Okay.  
 2 A. -- under which that would have happened.  
 3 In other words, we had proposed specifically that  
 4 XAPIA have jurisdiction. XAPIA already had  
 5 processes for suggested changes in standards. So  
 6 presumably their processes would have been the  
 7 ones.  
 8 Q. And did that happen?  
 9 A. I can't remember whether it ever finally  
 10 happened or not.  
 11 Q. Okay. Do you recall Novell or Lotus  
 12 asking for particular extensions to be made part  
 13 of MAPI?  
 14 A. No, I don't.  
 15 Q. Okay. If we could go to page 12 of that  
 16 document.  
 17 A. Um-hum.  
 18 Q. And this is after we're starting to talk  
 19 about extended MAPI.  
 20 A. Um-hum.  
 21 Q. There's a screen shot there, and it says:  
 22 "Even when different messaging systems are being  
 23 used together each with their own directory, MAPI  
 24 can present a single master address book that  
 25 combines all of the directories, hiding the

1 complexities of the system from the user."  
 2 Was that one of the visions of MAPI?  
 3 MR. GRAUMAN: Objection to form.  
 4 A. Yeah, I, if I were writing this sentence,  
 5 I would say MAPI can be used to present a single  
 6 master address book.  
 7 Q. Okay.  
 8 A. With the distinction that somebody still  
 9 has to write the user interface code to do that.  
 10 But that -- yes, that was a --  
 11 Q. So presuming that a developer used the  
 12 correct code, then it should be a single master  
 13 address book?  
 14 A. Then they could choose, they could use  
 15 that code in order to produce a single master  
 16 address book.  
 17 Q. Okay.  
 18 A. That I as the developer wouldn't have to  
 19 know that there was such a thing as a PSS address  
 20 book and ITNL address book, whatever those  
 21 abbreviations mean here; but that information  
 22 would just get fed up to me by the address book  
 23 service providers underneath.  
 24 Q. Okay. If you look to page 17, under  
 25 Solutions To Customer Messaging Problems. It

1 itself." Do you see that?  
 2 A. Yes.  
 3 Q. And was that the plan --  
 4 A. Yes.  
 5 Q. -- back in 1993?  
 6 A. Again, when you asked me first I didn't  
 7 remember and I still don't remember, but it  
 8 sounds like it was.  
 9 Q. Okay. And all of MAPI includes both  
 10 simple and extended?  
 11 A. Yes.  
 12 (Deposition Exhibit 13 was marked for  
 13 identification.)  
 14 Q. Okay. Let's jump to another one of your  
 15 blog. The old How MAPI Beat VIM, which I'll mark  
 16 as Evslin 13. And it's under Fractals of Change,  
 17 nothing great has ever been accomplished without  
 18 irrational exuberance.  
 19 A. Okay.  
 20 Q. You wrote this, right?  
 21 A. Yes.  
 22 Q. Okay. I want to direct your attention to  
 23 the bottom of the first page, talk about the next  
 24 meeting of the EMA?  
 25 A. Yup.

1 says: "MAPI helped solve three critical  
 2 messaging problems facing organizations today.  
 3 The problems including supporting multiple  
 4 messaging services with a common client,  
 5 integrating services at the desktop, and choosing  
 6 specialized service providers."  
 7 A. Um-hum.  
 8 Q. Was it your view that MAPI helped solve  
 9 those three critical messaging problems?  
 10 A. Yes.  
 11 Q. Okay. And then there's a picture about  
 12 how it's supposed to work with the Windows-based  
 13 client working through MAPI?  
 14 A. Um-hum.  
 15 Q. And conceptually that's how the system was  
 16 supposed to work?  
 17 A. Yes.  
 18 Q. Okay. If you look at the last page under  
 19 Software Development Kits.  
 20 A. Um-hum.  
 21 Q. It says: "Simple MAPI is available today  
 22 in the Windows SDK because the full MAPI  
 23 functionality will be built into future releases  
 24 of the Windows operating system. All of MAPI  
 25 will eventually be available in the Windows SDK

1 Q. You see that?  
 2 A. Um-hum.  
 3 Q. Second line it says: "Giving in wasn't  
 4 really an option." Why wasn't giving in an  
 5 option?  
 6 A. For two reasons. That it was very  
 7 important to be the provider of the interfaces  
 8 that developers used. And the two reasons worked  
 9 together. Suppose that we had given in and we  
 10 just went ahead and supplied them ourselves. VIM  
 11 wasn't rich enough for the things that we knew  
 12 that application developers needed to do. So we  
 13 would be agreeing to expose less of the  
 14 capability than we were building into Exchange  
 15 server, less of the capability that we were  
 16 building into our Mail client, in our Windows  
 17 Mail client, than we would be able to with MAPI.  
 18 So we couldn't -- and VIM was also  
 19 one-sided API that I described in here, that it  
 20 didn't even have a service provider interface, so  
 21 it was a way for clients to write their requests  
 22 but it didn't explain how you would, explain how  
 23 you access a server, an exchange server; we  
 24 needed both. So it really wasn't an option for  
 25 us to give in; it would have destroyed the

1 strategy of making the Exchange server a platform  
2 that was good enough for application developers  
3 to write to and of making the Mail client have  
4 multi server capability for a rich set of  
5 functionality.

6 Q. Is that both of the reasons? Because you  
7 said there were two?

8 A. Yeah, they really work together is what  
9 I'm saying.

10 Q. Would it have been possible for Microsoft  
11 to have joined that VIM coalition and to have  
12 helped direct the direction that VIM went?

13 MR. GRAUMAN: Objection to form.

14 A. In theory it would have been possible. In  
15 fact what happened is the VIM coalition came  
16 together as an anti-Microsoft coalition. To the  
17 best of my knowledge, and I probably would have  
18 known, we were never asked to join it.

19 Q. You were never asked to join it?

20 A. No. Again I don't remember being asked to  
21 join it at any point.

22 Q. Okay.

23 A. Although we were asked to subscribe to  
24 VIM. And in the -- we already -- VIM never, VIM  
25 didn't exist; I mean VIM was just, I mean and

1 MAPI did exist. And so we would have had to go  
2 way backwards, abandon what we already had,  
3 abandon the development we did, which the members  
4 of VIM consortium were very well aware of. So it  
5 wasn't really possible to do that. Neither  
6 desirable from our point of view or really even  
7 possible.

8 Q. So instead you endeavored to bring them on  
9 board the MAPI bandwagon, for lack of a better  
10 phrase.

11 A. Right. Which, and this isn't symmetrical;  
12 that's not an unreasonable thing to ask them to  
13 do because MAPI was a true superset of VIM.  
14 There was nothing in VIM that they would be  
15 giving up if they went ahead with MAPI.

16 (Deposition Exhibit 14 was marked  
17 for identification.)

18 Q. Okay. Let's do one more of your blogs,  
19 which is interesting, by the way. This one's  
20 Fractals of Change, nothing great -- that's the  
21 same every time, isn't it?

22 A. Yeah, it's a tag line.

23 Q. The sub heading, the real title is Chrome  
24 - Getting Microsoft's Goat.

25 A. Yes.

1 Q. Are you ready?

2 A. Yes.

3 Q. And this is another blog entry you wrote?

4 A. Yes.

5 Q. The first sentence says: "Historically  
6 there has been nothing which gets Microsoft's  
7 attention as fast as a platform for applications  
8 which threatens Windows' dominance." What was  
9 the basis for your writing that?

10 A. My experience in the computer industry  
11 over the last 20 years.

12 Q. And what do you mean by gets Microsoft's  
13 attention?

14 A. What do I mean by gets Microsoft's  
15 attention?

16 Q. Yeah, what do you mean by that?

17 A. I mean that gets Microsoft to make an  
18 effort to make sure that it doesn't lose the  
19 attention of the development community.

20 Q. Okay. And what did you mean by a platform  
21 for applications which threaten Windows'  
22 dominance?

23 A. Platforms for application, that's  
24 middleware we talked about before, something  
25 which will get both users and developers instead

1 of focusing on Windows and Windows APIs and  
2 Windows UI to focus on some other.

3 Q. Okay. Does this relate back to that  
4 living in an application concept?

5 A. Yes; yeah.

6 Q. Okay. The plans for Microsoft Mail during  
7 your tenure were to release it for free along  
8 with Windows 95; is that right?

9 A. The client.

10 Q. The client.

11 A. Right.

12 Q. As opposed to?

13 A. The Exchange server.

14 Q. The server, okay. So the mail client  
15 would automatically come with Windows 95?

16 A. Correct.

17 Q. And there was no additional charge for  
18 that?

19 A. Correct.

20 Q. Did that provide Microsoft Mail an  
21 advantage over other mail applications insofar as  
22 users would use a Windows Mail product on Windows  
23 95?

24 MR. GRAUMAN: Objection; calls for  
25 speculation.

1 A. My reason for wanting to have the mail  
 2 client in Windows is that I thought that those,  
 3 as I explained before, that those messaging  
 4 capabilities should be basic operating system  
 5 capabilities the way printing and saving was. So  
 6 in a sense you can't really have an advantage for  
 7 something that you're giving away; couldn't make  
 8 any money by giving it away. And as you saw in  
 9 some of the other e-mails, that didn't even  
 10 necessarily advantage the Exchange server. I  
 11 thought it would make Windows better, and I  
 12 thought it would give our users a better user  
 13 experience.

14 Q. In your view, did it put any competing  
 15 mail applications at a disadvantage?

16 A. It put -- my intent was to put competing  
 17 operating systems at a disadvantage, or competing  
 18 application environments at a disadvantage in  
 19 doing that. I, again I really believed that Mail  
 20 would become a part of the operating systems so  
 21 that the response to what we were doing was that  
 22 Apple would make mail a part of Mac OS, that  
 23 there would be mail, though there really was mail  
 24 embedded in Unix, and so there wouldn't anymore  
 25 be a separate category of application called

1 that was an e-mail from you to Doug Henrich; do  
 2 you recall that?  
 3 A. I can find it.  
 4 Q. Could be 4 maybe. I think it's number 4.  
 5 A. John Lazarus's e-mail is on the top?  
 6 Q. Actually it has Erik Stevenson at the top  
 7 from John Lu, which is the very top part.  
 8 A. Okay, I got it.  
 9 Q. Should be the one after John Lazarus.  
 10 A. Yup, I've got it.  
 11 Q. Just take a look at that. At the very  
 12 bottom, the second to last paragraph, Mr. Henrich  
 13 writes: "We have always told the development and  
 14 press community that Capone would be included  
 15 with future versions of Windows, but we would use  
 16 MAPI and be replaceable. We have tried to be  
 17 hard core about this exchange that it does not  
 18 make sense to build competing mail products, but  
 19 of course every existing mail vendor will, and  
 20 will try to differentiate themselves from our  
 21 offering."

22 Do you recall discussions -- well strike  
 23 that. Do you have an understanding of what Mr.  
 24 Henrich wrote when he wrote explaining that it  
 25 does not make sense to build competing mail

1 Mail; it would just be something that you  
 2 believed existed inside an operating system.  
 3 There would be a back end for mail, back end  
 4 market for mail, which would be robust, and we  
 5 thought would be multi-vendor; that was the  
 6 purpose of the different APIs.

7 Q. So was it your view that there was really  
 8 no place for another mail application?

9 A. It was my place that in the future, and by  
 10 the way I wasn't right about this, but it was my  
 11 view that in the future you wouldn't get, there  
 12 wouldn't be such a thing as a stand-alone mail  
 13 application.

14 MR. MARTIN: Okay. If you give me  
 15 anywhere between 30 seconds to two minutes,  
 16 I'm almost done; there's one document I know  
 17 I want to find. So want to go off the  
 18 record?

19 VIDEO OPERATOR: Off the record at 1:07  
 20 PM.

21 (A brief pause occurred.)

22 VIDEO OPERATOR: We're back on the  
 23 record at 1:09 PM.

24 BY MR. MARTIN:

25 Q. Mr. Evslin, earlier I gave you a document

1 products?

2 A. Yeah, I don't remember it, but I  
 3 understand what he means.

4 Q. What is it?

5 A. Same thing I just meant.

6 Q. And was Microsoft of the view -- strike  
 7 that. Were -- is that consistent with your view,  
 8 that there would be no place for a competing mail  
 9 products -- strike that. It would make no sense  
 10 to build competing Mail products for Windows '95?

11 A. If you change that to realize he really  
 12 meant mail clients and he didn't mean mail  
 13 products as far as servers and so forth, I felt  
 14 there would in the future no, that mail would be  
 15 a basic operating system functionality and  
 16 therefore there wouldn't be products that  
 17 provided just that.

18 Q. Okay. And as a result, Microsoft would  
 19 own that mail client functionality; that is  
 20 right?

21 A. That it would be part of the Microsoft  
 22 operating system; but no, they wouldn't own it in  
 23 all. I mean, for example, Microsoft had a  
 24 product which was a mail client for the  
 25 Macintosh. If what I thought had come to pass,

1 the mail client for the Macintosh would be a part  
2 of Apple software because it would be provided  
3 by, and Microsoft would have no way to provide a  
4 mail client for the Macintosh anymore. The mail  
5 client, mail clients for Unix would be provided  
6 by Unix providers and not by independent software  
7 developers.

8 So it meant that Microsoft would provide  
9 the mail capability that was in windows, but it  
10 didn't mean that -- it meant that Microsoft would  
11 lose the capability to provide the mail client  
12 that was in other environments.

13 Q. Okay. So the distinction is Microsoft  
14 would own that mail client capability in its own  
15 operating system products?

16 A. That's correct.

17 MR. MARTIN: Okay, I'm done, Ed.

18 MR. GRAUMAN: Let's go off the record.

19 VIDEO OPERATOR: We're going off the  
20 record now at 1:12 PM.

21 (A recess was taken.)

22 VIDEO OPERATOR: We're back on the  
23 record at 1:47 PM.

24 EXAMINATION BY MR. GRAUMAN:

25 Q. Mr. Evslin, if you could turn your

1 MR. MARTIN: Did he describe it?

2 Q. In this document?

3 A. No.

4 Q. Do you remember considering WordPerfect as  
5 a middleware threat between 1991 and 1994?

6 A. I don't remember that.

7 Q. Do you recall considering GroupWise as a  
8 middleware threat between 1991 and 1994?

9 A. I don't remember that either.

10 Q. Do you remember considering Perfect Office  
11 as a middleware threat between 1991 and 1994?

12 A. No.

13 Q. Turning to Exhibit 10, on page 6, this is  
14 the presentation.

15 MR. MARTIN: Just give me a title. I  
16 mean just the title of the page.

17 MR. GRAUMAN: Windows 4.0 Goals.

18 MR. MARTIN: Okay.

19 Q. Mr. Martin earlier referred to the bullet  
20 point here that states: Keep middleware such as  
21 Notes, Novell, OpenDoc, and DSOM and OS  
22 competitors such as OS/2 and Personal Netware at  
23 bay. Do you remember what products of Novell's  
24 you were referring to in this bullet point?

25 A. No, I don't.

1 attention to Exhibit 14?  
2 A. Which is?  
3 Q. That's the Fractals of Change entitled  
4 Chrome - Getting Microsoft's Goat.  
5 A. Yes.  
6 Q. At the first sentence of the second  
7 paragraph you wrote: "Way back when I was at  
8 Microsoft - 1991 to 1994, Lotus notes was the  
9 threat du jour." Do you -- strike that. In  
10 Exhibit 10 --

11 MR. MARTIN: We're off this?

12 MR. GRAUMAN: Yeah.

13 MR. MARTIN: And is --

14 MR. GRAUMAN: Yeah, 10 is the MAPI  
15 Exchange presentation.

16 Q. At page -- strike that. Let's go back to  
17 14 for a second; I apologize for my inartful  
18 entrance here.

19 In this document you described Lotus notes  
20 as the threat du jour in between 1991 and 1994;  
21 is that correct?

22 A. Yes.

23 Q. Did you describe -- did you describe  
24 WordPerfect as the threat du jour in this  
25 document?

1 Q. Do you remember this bullet point --  
2 strike that.

3 Do you recall meaning to refer to the  
4 WordPerfect word processor when you used the word  
5 Novell in this bullet point?

6 A. No.

7 Q. Do you recall meaning to refer to the  
8 GroupWise product when you used the word Novell  
9 in this bullet point?

10 MR. MARTIN: Form.

11 A. No.

12 Q. Do you recall meaning to refer to the  
13 Perfect Office product when you used the word  
14 Novell in this bullet point?

15 A. No.

16 MR. MARTIN: Object to form again.  
17 Sorry, it's the recall meaning that's  
18 confusing.

19 Q. Did you mean to refer to GroupWise when  
20 you used the word Novell in this bullet point?

21 A. I don't recall.

22 Q. Turning to Exhibit 8, which was the Group  
23 Work Mission Plan. On page 4 Mr. Martin earlier  
24 referred to the section entitled WordPerfect, and  
25 underneath which are listed three WordPerfect

1 strengths, which I believe you referred to  
 2 earlier; do you recall that?  
 3 A. Yes.  
 4 Q. This document also lists three WordPerfect  
 5 weaknesses; the first is Lackluster UI fit and  
 6 finish. Does that -- in your recollection, is  
 7 that an accurate description of the WordPerfect  
 8 product at the time this document was written?  
 9 A. I don't remember.  
 10 Q. It also refers to WordPerfect as  
 11 unprovable scalability in large sites?  
 12 A. Unproven I think.  
 13 Q. Strike that. Unproven scalability in  
 14 large sites. Does that accord with your  
 15 recollection of the WordPerfect product at that  
 16 time?  
 17 A. I remember that it wasn't used in large  
 18 sites, so that would make sense.  
 19 Q. The third weakness listed is perceived as  
 20 distant #3 player; does that accord with your  
 21 recollection?  
 22 A. I don't remember.  
 23 Q. Earlier I believe you spoke about leveling  
 24 the playing field through MAPI; do you recall  
 25 that?

1 A. No, I don't.  
 2 Q. Do you recall earlier testifying about the  
 3 fact that proprietary extensions could be used  
 4 alongside of MAPI capability?  
 5 A. Yes, I do.  
 6 Q. What, if any, advantages would there be to  
 7 that arrangement?  
 8 A. Well one reason why a developer of mail  
 9 systems might want to develop proprietary  
 10 extensions is that if there were some capability  
 11 that MAPI didn't offer and they saw that as  
 12 differentiating for their product, they just  
 13 simply couldn't do it through MAPI, they wouldn't  
 14 want to be constrained by only using MAPI, but in  
 15 fact would have to -- would then create a  
 16 proprietary extension to make sure that they  
 17 could develop whatever this new, exciting  
 18 capability was.  
 19 Q. Would you consider that a benefit to  
 20 consumers?  
 21 A. You mean the -- if the -- it would be a  
 22 mixed bag. For instance, it would mean that they  
 23 would be locked into a particular client server  
 24 configuration, which is not a good thing. On the  
 25 other hand, if the new capability were important

1 enough, then it might be, and that would be a  
 2 choice that consumers would have to make.  
 3 Q. Under -- strike that. Would any -- would  
 4 any ISV be able to develop proprietary  
 5 functionality alongside MAPI capability?  
 6 A. Sure; there would be no way to stop them.  
 7 Q. Earlier you said that based on your  
 8 knowledge of Mr. Gates' personality that if Mr.  
 9 Gates thought a piece of software was "junk" he  
 10 would have said so; do you recall that?  
 11 A. Yes, I do.  
 12 Q. Do you have any personal knowledge of  
 13 whether or not the iShellBrowser interfaces were  
 14 junk, as you would term it?  
 15 A. The e-mail that we looked at earlier today  
 16 I think he went out of his way to say that they  
 17 weren't. I don't remember that, but I remember  
 18 seeing the e-mail this morning.  
 19 Q. Do you also remember earlier saying that  
 20 when a person -- for somebody who took Windows  
 21 home, the mail client wouldn't have done them any  
 22 good?  
 23 A. Right.  
 24 Q. And why was that?  
 25 A. Somebody -- now I mean an individual using

1 it at home, not taking their computer home from  
 2 work. But they wouldn't have anybody to talk to.  
 3 It wasn't as it is today when everybody in the  
 4 world is on e-mail and you can reach them. There  
 5 wasn't any intermediary like the Internet, any  
 6 common intermediary that everybody was on. The  
 7 e-mail systems that existed like MCI Mail and  
 8 AT&T mail and so on had their own proprietary  
 9 clients, so you'd have to use those clients in  
 10 order to get on those systems.  
 11 MR. GRAUMAN: I have no further  
 12 questions.  
 13 RE-EXAMINATION BY MR. MARTIN:  
 14 Q. Sorry, I got to follow up.  
 15 A. That's okay.  
 16 Q. You still have that document out about the  
 17 UI fit and finish?  
 18 A. Yes.  
 19 Q. You still have that chart in front of you?  
 20 A. Yes, I do.  
 21 Q. You list as a weakness -- I'm sorry. The  
 22 memo lists as a weakness lackluster IU fit and  
 23 finish. Would it be reasonable to conclude that  
 24 one way that WordPerfect could increase its  
 25 market presence would be to improve its UI fit

1 and finish?  
 2 A. Yeah. Again I don't remember, but that's  
 3 a reasonable conclusion from my saying it's a  
 4 weakness.  
 5 Q. And Windows 95 offered a unique user  
 6 interface, didn't it?  
 7 A. Windows 95 offered a unique interface as  
 8 an operating system. The -- if the mail client  
 9 had been fully built into Windows 95 as I wanted  
 10 it to be, it would have offered a unique  
 11 interface. Not that somebody else couldn't have  
 12 had an interface as well, but it would have been  
 13 a unique interface. So we offered a mail client  
 14 that had an interface, and WordPerfect, other  
 15 people also, like CC Mail and Notes, ended up  
 16 with new clients that ran with Windows 95.  
 17 Q. Right. And Windows 95 exposed some shell  
 18 extensions that allowed third party applications  
 19 to create a similar look and feel to the Windows  
 20 95 interface, right?  
 21 A. Yes, that's correct.  
 22 Q. That would have been a way to improve the  
 23 user interface, wouldn't it?  
 24 A. To use those extensions.  
 25 Q. Yes.

1 A. Yes.  
 2 Q. The next weakness is the unproven  
 3 scalability in large sites, and you said that's  
 4 because you saw it wasn't being used very often  
 5 in large sites, right?  
 6 A. Right; its penetration, as it says in  
 7 here, was in small to very small sites.  
 8 Q. Were you familiar with the Novell  
 9 networking products?  
 10 A. Yes.  
 11 Q. Were they used in large sites?  
 12 A. Yes.  
 13 Q. Would the combination of Novell and  
 14 WordPerfect provide WordPerfect with an  
 15 opportunity to increase its access to large  
 16 sites?  
 17 MR. GRAUMAN: Objection; calls for  
 18 speculation.  
 19 A. It's unlikely that I thought that when I  
 20 wrote this, because Novell's networking was  
 21 pretty prevalent. And so undoubtedly  
 22 WordPerfect, as well as our applications, the  
 23 early MS mail that I inherited already ran in  
 24 Novell environments, and so it's not just  
 25 magically because it runs on a Novell environment

1 that it gets scalability. Would have had to run  
 2 in some networking environment; it probably ran  
 3 in Novell's environment. And so if I wrote this,  
 4 that probably didn't automatically give it any  
 5 scalability.  
 6 Q. You wrote this before the Novell-  
 7 WordPerfect combination, right?  
 8 A. I don't remember the timing of the  
 9 combination.  
 10 Q. Wouldn't -- strike that. Wouldn't the  
 11 Novell market presence actually give WordPerfect  
 12 at least an opportunity to increase its market  
 13 presence in large sites?  
 14 MR. GRAUMAN: Objection; argumentative.  
 15 A. It would have given it an opportunity.  
 16 But if it wasn't scalable, it wouldn't magically  
 17 make it scalable.  
 18 Q. What does scalable mean?  
 19 A. Scalable means that it can run on a large  
 20 number, that a large number of people can be  
 21 using it at the same time.  
 22 Q. Okay. And when you say unproven  
 23 scalability, that doesn't mean that it couldn't  
 24 scale; you just hadn't seen it?  
 25 A. That's correct.

1 Q. Okay. Just had a series of questions  
 2 about locking in consumers to a client-server  
 3 relationship and how that could be both good and  
 4 bad for consumers, right?  
 5 A. Um-hum.  
 6 Q. Okay. Then you had a series of questions  
 7 about reasons to do proprietary extensions; and  
 8 the example you gave was if MAPI couldn't provide  
 9 that functionality?  
 10 A. Um-hum.  
 11 Q. Are there other reasons to create  
 12 proprietary extensions?  
 13 A. Somebody might -- yeah. A competitor to  
 14 Microsoft, for example, might decide that they  
 15 wanted to force people who used their server to  
 16 buy their client. And if they did everything  
 17 through MAPI, then any MAPI compliant client  
 18 would be able to run with their server. So they  
 19 might deliberately do something that they might  
 20 have done through MAPI outside of MAPI in order  
 21 to create that lock-in between the client and the  
 22 server so they would sell more clients.  
 23 Q. Okay. Now the example you just gave was  
 24 with a company other than Microsoft.  
 25 A. Um-hum.

1 Q. Same strategy would apply for Microsoft,  
 2 wouldn't it?  
 3 A. If -- it would have been contrary to the  
 4 strategy that we were following with MAPI. That  
 5 is, it -- yeah, in theory it would. But on the  
 6 other hand, why would you do a MAPI if you  
 7 promptly meant to go around it?  
 8 Q. That's a good question.  
 9 A. Right.  
 10 Q. Were there any plans to go around MAPI  
 11 while you were there?  
 12 A. Not while I was there.  
 13 Q. Okay.  
 14 A. That I was aware of.  
 15 Q. So there's a -- at some point the Exchange  
 16 server created proprietary extensions that  
 17 enabled, for example, a Microsoft mail client to  
 18 have an out of office tab; do you recall that?  
 19 A. No, absolutely not.  
 20 Q. You're unaware of that?  
 21 A. I'm unaware of that. Maybe I've forgotten  
 22 or maybe I knew never, but that was not the plan;  
 23 that's not what our strategy was.  
 24 Q. Given that strategy, if Microsoft was  
 25 considering a new functionality that could be

1 approximately 2:05 PM.)  
 2  
 3  
 4  
 5  
 6  
 7  
 8 Tom Evslin  
 9  
 10 Subscribed and sworn to  
 11 before me this day  
 12 of , 2009.  
 13  
 14  
 15  
 16 Notary Public  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 available to the client server system, would the  
 2 first step be to find out whether it could be  
 3 enabled through MAPI?  
 4 MR. GRAUMAN: Objection; calls for  
 5 speculation.  
 6 A. Yeah, if it were me when I was in charge,  
 7 yes.  
 8 Q. Okay.  
 9 A. And a -- yeah.  
 10 MR. MARTIN: I have no further  
 11 questions.  
 12 MR. GRAUMAN: Nothing further from me.  
 13 MR. MARTIN: All right; we did it.  
 14 VIDEO OPERATOR: Would you all stand by  
 15 while I take us off the record for the final  
 16 time. We now conclude the video deposition  
 17 of Tom Evslin. This is the end of tape  
 18 number 4. We are now going off the record  
 19 at 2:05 PM.  
 20  
 21  
 22  
 23  
 24  
 25 (The deposition was concluded at

1 C E R T I F I C A T E  
 2  
 3 I, Sherri L. Bessery, RMR, CRR, Notary  
 4 Public within and for the State of Vermont, do hereby  
 5 certify that I reported the foregoing deposition of  
 6 Tom Evslin, a witness appearing at the request of the  
 7 Plaintiff, at Gravel & Shea, Burlington, Vermont, on  
 8 February 19, 2009.  
 9 I further certify that said witness was duly  
 10 sworn to testify the truth, the whole truth and  
 11 nothing but the truth, and that the foregoing was  
 12 taken by me stenographically and thereafter reduced to  
 13 writing, and that the foregoing 179 pages are a full,  
 14 true, and correct transcription of said testimony, to  
 15 the best of my ability.  
 16 I further certify that I am not related to  
 17 any of the parties hereto nor have any interest in the  
 18 outcome of said cause.  
 19 Dated at Burlington, Vermont, on February 20,  
 20 2009.  
 21  
 22  
 23  
 24 Sherri L. Bessery, RMR, CRR  
 25 Notary Public  
 26 Commission Expires 2/10/10  
 27