UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.	)
ANTITRUST LITIGATION	) MDL Docket No. 1332
	)
This Document Relates to:	) Hon. J. Frederick
Novell, Inc. v. Microsoft	) Motz
Corporation,	)
Civil Action No. JFM-05-1087	)
	)
	)

Deposition of: Gary Lawrence Gibb

March 17, 2009 * 8:59 a.m.

Location: Ray, Quinney & Nebeker, P.C.

86 North University Avenue, Suite 430

Provo, Utah 84601

Reporter: Tamera L. Stephens, RPR, CRR

Notary Public in and for the State of Utah

Videographer: Ryan Reverman, CLVS

common thing, so from Open being able to quickly identify and find other documents was a big thing.

So there were just things that we thought were very important. We always had -- traditionally, we had very powerful Open -- on DOS you could have a very standard Open dialog, too. But we always specialized in Open dialog on DOS. We had had a lot of this kind of capability. So there wasn't a precedent. It was a big deal to us.

Q. And was this capability that you felt PerfectOffice was able to achieve in its products that it released?

A. There were -- you know, I suspect from this list there was a lot dropped because it was critical path through the whole thing, so we achieved portions of that, I would say. Portions of that, yeah. But, yeah, I bet if we look through this list, you know, it's 60 percentish, I will bet.

Q. And was that because of timing issues and the attempt to release a product for the Windows 95 platform?

A. Yes, very much so.

Q. Okay.

MS. BRADLEY: Let's mark the next document as Exhibit 7 -- 8. Sorry.

Q. Okay. When you say that Mr. Lunt maintained a project schedule, was that a schedule for the entire suite?

A. Yes.

Q. In creating a schedule for the entire suite, do you know whether he received and relied on schedules for the constituent applications within the suite?

A. Yes, that's exactly how it worked. They all had -- everybody was responsible for their own chunk of the schedule, and he would get that -- it was all somewhat automated. Unfortunately, it wasn't completely automated, but it was -- you know, everybody entered it in on a computer.

Q. When you say, "everybody entered it in on a computer," you mean the people working on the constituent applications?

A. Yes.

Q. And then, Mr. Lunt was responsible for pulling that together into a PerfectOffice schedule?

A. Yes.

Q. Okay. You have used the phrase today "critical path" quite a few times. Could you give me a definition of that?

A. Critical path meaning this is the piece --

you know, you are trying to get all of these things coordinated and shipped at the same time. Critical path means that this piece is the longest path. According to all of your forecasts, this piece is going to take the longest to do. All the other pieces are going to be done earlier. So this becomes critical path, so you focus on critical path.

Q. Now, while the other pieces may be done earlier, the entire product -- and in this case the entire product is PerfectOffice -- the entire product will not be done until the critical path is done?

A. Correct. Yeah.

Q. The critical path sort of assigns the completion of the entire project?

MS. BRADLEY: Object to form. Sorry.

THE WITNESS: Yes.

Q. (By Mr. Englehardt) Now, did the schedules that Mr. Lunt created show a critical path?

A. Yes.

Q. How did they do that?

A. Usually, it would be like with a red line, and, you know, we would bring it up in a meeting and discuss -- we discussed every week we met to see how we were doing, progress towards this ultimate goal, and we would discuss it.

into, you know, something that was visible. But, you know, Open dialog was one of those that was a very visible piece that actually showed up for everybody else.

Q. Now, just to be clear, your testimony is the shared code group developed the File Open dialog?

A. Yeah.

Q. And they developed it for the use of WordPerfect --

A. Quattro, WordPerfect, Presentations, all of it.

Q. Okay. Was the File Open dialog, as developed by the shared code team, a dependency for each of those other applications that you just named?

A. Oh, yeah. Yes. Absolutely. Got to open.

Q. Okay. So just to be clear, WordPerfect, Quattro Pro, Presentations, and GroupWise were not going to be complete until File Open was completed by the shared code team?

A. One hundred percent correct, yeah.

Q. And just at the risk of asking the obvious, PerfectOffice was not going to be a complete shipping product until that File Open was completed, correct?

A. Correct.

Q. Okay. Now, going back to the schedules that you reviewed weekly with Mr. Lunt during the period of time when you were responsible for shipping the PerfectOffice product, do you recall what the critical path task was?

A. Well, Open dialog was the most common thing on there, so most the time it was Open dialog.

Q. Just to be clear, most the time Open dialog was the critical path?

A. Yeah. Yeah. Painfully so.

Q. Okay. Now, do you know who within the shared code team was responsible for developing the Open dialog?

A. So Tom Creighton was the one that was over it all, so he interfaced with me most of the time. But the technical guys, I think, was Adam Harral and -- there was like three guys on it, three or four.

Q. Does the name Greg Richardson ring a bell?

A. Yeah, Greg Richardson was on it.

Q. Mr. Harral and Mr. Richardson, reporting to Mr. Creighton, were among other people responsible for creating the File Open?

A. Yeah.

Q. Did you ever -- during the period of time

efforts to deliver PerfectOffice?

A. Oh, yeah. I mean, it was critical path, like I said. Most of the time, that was the thing we harped on, the thing that slowed us down, the thing we were waiting on. I mean, you know, it was -- yeah, it was very, very evident.

Q. Do you remember when File Open stopped being critical path?

A. Probably a week before we shipped. I mean, I am being a little facetious there, but, I mean, it was critical path throughout. I mean, it was --

Q. As far as you recall, was File Open the last piece of PerfectOffice to be completed as needed for shipment?

A. At my level, yes. I mean, I -- there might have been some issue with tool bar. I don't know. But certainly at a high level, it was the only thing that we discussed over and over and over again.

Q. Exhibit -- could you take a look at Exhibit 9, which I believe was the last exhibit that Ms. Bradley showed you.

A. I have 6, 7 -- where are they numbered? Oh, 9, right here. Okay, yeah.

Q. "Panic Mode Modification Recommendations."