

# **Exhibit 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

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

**NOVELL, INC.'S SUPPLEMENTAL RESPONSES TO MICROSOFT'S  
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Local Rule 104, Plaintiff Novell, Inc., by its undersigned counsel, hereby provides its supplemental responses to Microsoft's First Set of Interrogatories, as follows:

**GENERAL OBJECTIONS**

Novell reserves and incorporates herein by reference all of its prior general and specific objections to Microsoft's discovery requests without waiver of those objections. Novell further objects to these Interrogatories as unduly burdensome, overbroad, and oppressive, because they seek the identity of "all witnesses having knowledge of" and "all documents that support, refer to, or relate to" certain of Novell's contentions.<sup>1</sup> In a case of this magnitude, which involves the

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<sup>1</sup> See, e.g., *Roberts v. Helm*, 130 F.R.D. 424, 427 (N.D. Cal 1989) (recognizing that "courts are loathe to require a party 'to write basically a portrait of their trial' for the other parties"); *Hilt v. SFC, Inc.*, 170 F.R.D. 182, 186-87 (D. Kan. 1997) (interrogatories requesting "each and every fact" supporting plaintiff's claims found to be unduly burdensome and overbroad); *U.S. v. Renault, Inc.*, 27 F.R.D. 23, 27 (S.D.N.Y. 1960) (permitting "a type of disclosure which elicits every minute detail of evidence would result in extreme hardship and confusion"); Ian D. Johnston & Robert G. Johnston, *Contention Interrogatories in Federal Court*, 148 F.R.D. 441 (1993); *Hiskett v. Wal-Mart Stores, Inc.*, 180 F.R.D. 403, 405 (D. Kan. 1988) (interrogatory was "overly broad and unduly burdensome" to the extent it sought "all facts"; answering plaintiff had a duty to provide only the "principal or material facts").

production of millions of pages of documents, hundreds of hours of depositions filling thousands of transcript pages, and where discovery is not yet concluded, an Interrogatory requiring Novell to identify every document and every witness that support Novell's allegations is unduly burdensome and exceeds the requirements of Fed. R. Civ. P. 33.<sup>2</sup>

Burden and overbreadth are particular concerns here because the Interrogatories request information to which Microsoft has equal or better access.<sup>3</sup> Microsoft has litigated similar claims for more than a decade and should be aware of the witnesses and documents that potentially support Novell's contentions. The *Comes v. Microsoft* and *Gordon v. Microsoft* cases, for example, addressed Microsoft's anti-competitive conduct with respect to operating systems and applications. Similarly, *United States v. Microsoft* and *New York v. Microsoft* addressed certain issues involved here, including findings that Microsoft had a monopoly in the market for PC operating systems and used the "applications barrier to entry" to protect that monopoly. Microsoft is presently more knowledgeable about the evidence elicited in those trials than Novell.

While Novell objects to these Interrogatories, it will nevertheless identify principal witnesses and documents known to Novell at the time of its response. By responding or specifically objecting to the Interrogatories, Novell does not waive or intend to waive: (a) any

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<sup>2</sup> See *Steil v. Humana Kansas City, Inc.*, 197 F.R.D. 445, 447 (D. Kan. 2000) (while request for "principal and material facts which support a party's contentions" is within permissible scope of contention interrogatory, request for all facts and application of law to all those facts "would too often require a laborious, time-consuming analysis, search, and description of incidental, secondary, and perhaps irrelevant and trivial details").

<sup>3</sup> See *SHL Systemhouse Corp. v. Northampton County*, No. CIV. A. 98-0088, 1999 WL 269918, at \*2 (E.D. Pa. Apr. 20, 1999) (forcing plaintiff to identify all requested facts contained in local newspaper, to which defendant had equal access, would "impose an unproductive burden" on the plaintiff); *Besly-Welles Corp. v. Balax, Inc.*, 43 F.R.D. 368, 373 (E.D. Wis. 1968) (sustaining plaintiffs' objections to contention interrogatories where defendants "have within their own knowledge all the information from which to draw the same conclusions, comparisons, contentions, and opinions they ask the plaintiffs to draw").

objection set forth above, nor any additional objections as to the privilege, competence, relevance, materiality, or admissibility of any information or documents identified or produced in response to the Interrogatories; (b) the right to use presently or subsequently identified information or documents at any hearing, trial, or other proceeding; or (c) the right to object at any time to a demand for further response to the Interrogatories. Nothing herein shall be construed as an admission by Novell regarding the competence, relevance, materiality, or admissibility of any fact or document, or as an admission of the truth or accuracy of any characterization or of any document sought by the Interrogatories.

Information identified in response to the Interrogatories shall be governed by the Amended Stipulated Protective Order Re Competitor Cases Incorporating the Novell Amendment entered by United States District Judge Frederick Motz on June 24, 2005, and amended on February 12, 2008 (“Protective Order”).

Novell’s responses to these Interrogatories are not intended to be exhaustive or exclusive.<sup>4</sup> Novell reserves the right to amend and/or supplement its responses to each Interrogatory with additional information obtained through discovery or otherwise, to the extent permitted and/or required by the Federal Rules of Civil Procedure (“Federal Rules”) and the Local Rules of the United States District Court for the District of Maryland (“Local Rules”). This reservation is not intended to indicate that Novell is intentionally withholding information, because it is not. Rather, this reservation reflects Novell’s knowledge that, given the immensity of the record, there is no reasonable way for Novell to guarantee that it has identified or will identify, or even appreciate the significance of, every document or record reference in the case.

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<sup>4</sup> See *Alstrin v. St. Paul Mercury Ins. Co.*, 179 F. Supp. 2d 376, 395 (D. Del. 2002) (defendants were not estopped from asserting additional defenses that they did not include in interrogatory responses, where defendants expressly reserved the right to supplement their responses).

Novell will provide further supplement its response to these Interrogatories at a date to be agreed or ordered. Novell expects that the agreed-upon or Court-ordered date will be reciprocal.

In addition, Novell objects to each Interrogatory for the following reasons:

1. Novell objects to each Interrogatory to the extent that it seeks production of information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or exemption from discovery. Any inadvertent disclosure or production of such information shall not be deemed to waive any of the foregoing privileges or immunities, and any protected documents produced in response to the Interrogatories shall be destroyed or returned to Novell immediately upon discovery or notice thereof, as required by the Protective Order.

2. Novell objects to each Interrogatory to the extent that it seeks information outside the knowledge, possession, custody, or control of Novell, its agents or employees.

3. Novell objects to each Interrogatory to the extent that it seeks the identification of trial witnesses. Novell will identify its trial witnesses at a time to be determined by the court. Further, Novell interprets the term "witness" to mean persons presently believed by Novell to have the most material, responsive, and personal knowledge (as distinguished from, *inter alia*, experts retained in this or other cases addressing similar issues, or lawyers in other cases addressing similar issues). The identification of a "witness" is not a representation that Novell intends to call that person at trial, or that the person is within Novell's control.

4. Novell objects to each Interrogatory to the extent that it seeks information that Novell obtained from third parties and cannot disclose without their or the appropriate court's prior approval.

5. Novell objects to each Interrogatory as unreasonably burdensome to the extent that it seeks identification of documents that are publicly available or to which Microsoft has equal or superior access.

6. Novell objects to each Interrogatory as premature to the extent that it seeks identification of documents or persons not yet identified, as discovery is ongoing.

7. Novell objects to each Interrogatory to the extent that its terms are vague, undefined, and/or subject to a variety of interpretations.

8. Novell objects to each Interrogatory to the extent that it purports to impose obligations beyond those imposed by the Federal Rules or the Local Rules.

9. Novell objects to each definition insofar as it deviates from the Standard Definitions provided by the Local Rules. Novell will respond to these Interrogatories as required by the Federal Rules and the Local Rules.

10. Novell objects to the supplemental definitions set forth in the Interrogatories as vague and overbroad, and construes the defined terms in accordance with their plain and ordinary meanings.

11. Novell objects to the term "NOVELL," as defined in Supplemental Definition 3, as vague and overbroad. The definition also improperly purports to impose obligations beyond those imposed by the Federal Rules and the Local Rules by demanding production from all of Novell's "divisions, subsidiaries, predecessors or successors-in-interest . . . and joint ventures to which it may be a party, [and] employees of those entities . . . ." Novell also objects to Supplemental Definition 3 to the extent it purports to require the production of documents not in Novell's possession, custody, or control, requires Novell to search the files of third parties, and/or requires Novell to speculate concerning the identities of individuals and business entities included within this definition. Novell will identify or produce responsive, non-privileged, and

non-objectionable documents in its possession, custody, and control within the meaning of Fed. R. Civ. P. 34(a) and the Court's Uniform Definition 7.

**SPECIFIC RESPONSES AND OBJECTIONS TO INTERROGATORIES**

Novell incorporates the General Objections into each specific response below. Subject to and without waiving any such objections, Novell further objects and responds to the Interrogatories as follows:

**Interrogatory No. 1:**

In paragraph 47 of the COMPLAINT, NOVELL contends that "at the time of the merger [of Novell, Inc. and WordPerfect Corporation], Novell intended to further develop and market WordPerfect as a 'network application' that would ultimately be independent of the desktop operating system." Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms "support," "refer to," or "relate to" because those terms are vague and ambiguous. The principal witnesses of whom Novell is presently aware are: David Bradford, Mark Calkins, Robert Frankenberg, Rich Hume, Adam Harral, Eric Myers, Greg Richardson, and Bruce Tietjen.

Microsoft is already aware of many of the documents listed below through Novell's prior document production in this matter.

**Relevant Documents Include:**

<i>New Novell CEO says WordPerfect key</i> , REUTERS NEWS, Apr. 5, 1994
“Key Messages” (NOV 00016243 – 06245)
“The Next Generation of Network Computing: A Novell-WordPerfect position paper” (NOV 00016272 – 16286)
Perfect Office Product Sales Guide, Fall 1994 (NOV 00019484 – 19503)
“The WP/Double Eagle Story” dated March 12, 1994 (NOV 00016246-16248)
Novell Report to Shareholders – First Quarter Fiscal 1994 (NOV 0001975 – 1978)
Allen Biehl, <i>Perfect Office: The First Network Suite</i> (NOV-B00160353 – 160654)
Allen Biehl, <i>Perfect Office: A Network Application</i> (NOV-B00160357 – 160658)
Bob Frankenberg, “Fall COMDEX Keynote Address,” Nov. 15, 1994 (NOV-B00161001 – 161016)
Bob Frankenberg presentation for Brainshare Japan, ver. July 22, 1994 (NOV-B00836853 – 836862)
Bob Frankenberg, “20 Minute Strategy Presentation” (NOV-B00840356 – 840362)
Bob Frankenberg’s Corp. Strategy Speech, Sept. 6, 1994 (NOV-B01972749 – 1972759)
Bob Frankenberg presentation to Research Board (NOV-B01932749 – 01932754)
“The Next Generation of Network Applications,” ver. Aug. 16, 1994 (NOV-B00544185 – 544194)
“Understanding Network Applications, Network Services and the Strategic Importance of the Novell/WordPerfect/Borland Merger Week of June 13, 1994” (NOV-B00584305 – 584312)
PerfectOffice Product Rollout Document (NOV-B00637293 – 637330)
Novell/WordPerfect Merger Questions and Answers (NOV-B00642694 – 642699)
“Network Applications: Strategic Direction for WordPerfect, the Novell Applications Group” Sept. 1994 (NOV-B00668966 – 668984)
“Why is PerfectOffice the First Network Suite?” (NOV-B00656863 – 00656865)
PerfectOffice Sales Guide (NOV-B00834013 – 834031)
PerfectOffice 7 for Windows 95 Sales Guide (DRAFT) (NOV-B00834546 – 834561)
WordPerfect 6.1 for Windows Network Integration White Paper, Jan. 5, 1995 (NOV-B00834657 – 834672)
AppWare 1.2 (NOV-B00834735 – 834738)
Product Brochure AppWare for Windows from Novell (NOV-B01152450 – 1152454)
Novell Strategic Direction White Paper, Pervasive Computing: Meeting the Needs of the Marketplace, October 1994 (NOV-B01300947 – 1300959)



Novell-WordPerfect Workgroup Computing Strategy Paper, Apr. 25, 1994 (NOV-B01359335 – 1359354)
Jack Reeves presentation, The Next Generation of Network Applications WordPerfect, the Novell Applications Group, ver. Sept. 7, 1994 (NOV-B01933317 – 1933326)
Scott Nelson presentation, The Next Generation of Network Applications WordPerfect, the Novell Applications Group, ver. Sept. 7, 1994 (NOV-B01933332 – 1933341)
Novell’s Corporate Vision (NOV-B01971094 – 1971103)
Media Alert, “Additional clarification regarding the Novell/WordPerfect merger” (NOV-B02441218 – 2441219)
E-mail containing Jim Louderback article, <i>Opinion: Novell/WordPerfect Merger Good for Everyone</i> , PC WEEK, Mar. 28, 1994 (NOV-B02616077 – 2616078)
Corporation News (NOV-B02619487 – 2619488)
THE PERFECT MERGE, Issue One, Apr. 6, 1994 (NOV-B02642642 – 2642647)
Product Analysis, WordPerfect for Windows (NOV-B01490574 – 1490583)
WordPerfect for Windows: Business Review Exercise, July 15, 1994 (NOV-B01490944 – 1490953)
Novell AppWare (Part 2): A System for Developing Network Application (NOV-B01642461 – 1642467)
E-mail from Corporate Communications to WPCORP re: Merger Documents (June 27, 1994) (NOV-B01862772 – 1862778)
PerfectOffice 3.0 Network Integration Whitepaper, Jan. 12, 1995 (NOV-B01929424 – 1929436)
Shawn Willet, <i>Network Applications</i> , INFO WORLD (NOV-B01925900 – 1925901)
“PerfectOffice: The First Network Suite,” WORDPERFECT FOR WINDOWS MAGAZINE, July 6, 1995 (NOV-B01928814 - 1928816)
PerfectOffice presentation (NOV-B1929218 – 1929231)
PerfectOffice 3.0 for Windows Information Disk (NOV-B01929379 – 1929419)
The Next Generation of Network Applications, CIO Briefing 1994, ver. Sept. 19, 1994 (NOV-B01932453 – 1932463)

**Interrogatory No. 2:**

In paragraph 49 of the COMPLAINT, NOVELL contends that “[p]articularly during the period at issue, OpenDoc was viewed as superior to OLE because it permitted sharing information across multiple operating systems, among other reasons.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention, and identify the “other reasons” to which the contention refers.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

OpenDoc was created as a vendor-neutral open standard, whereas Microsoft developed OLE for its own systems and applications and did not distribute the code.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell’s prior document production in this matter.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , Plaintiff’s exhibit (“PX”) 2026 (MS 5039467 - MS5039468)
<i>Comes v. Microsoft</i> , PX 2079 (MS-PCA 2405041 - MS-PCA 2405044)
<i>Comes v. Microsoft</i> , PX 2082 (IBM 7510283378 - IBM 7510283380)
<i>Comes v. Microsoft</i> , PX 2086 (MS 5043587 - MS 5043591)
<i>Comes v. Microsoft</i> , PX 2086A (FL AG 0053994 - FL AG 0053998)
<i>Comes v. Microsoft</i> , PX 2113 (MS-PCA 1576438 - MS-PCA 1576439)
<i>Comes v. Microsoft</i> , PX 2114 (MS-PCA 1714955 - MS-PCA 1714972)
<i>Comes v. Microsoft</i> , PX 1568 (MS 0183137 - MS 0183138)
<i>Comes v. Microsoft</i> , PX 1908 (MS-PCA 1515692)
<i>Comes v. Microsoft</i> , PX 5714 (MS-PCA 1514169 - MS-PCA 1514171)
<i>Comes v. Microsoft</i> , PX 1909 (MS-PCA 1515695 - MS-PCA 1515696)
<i>Comes v. Microsoft</i> , PX 3222 (NWP00029148 - NWP00029159)
<i>Comes v. Microsoft</i> , PX 2002 (MS 5036474 - MS 5036475)
<i>Comes v. Microsoft</i> , PX 1884 (MS7079862 - MS7079865)
<i>Comes v. Microsoft</i> , PX 3584 (MS-PCA 2608513 - MS-PCA 2608517)

<i>Comes v. Microsoft</i> , PX 1987 (MS 5064010 - MS 5064011)
<i>Comes v. Microsoft</i> , PX 2089 (MS 5036351 - MS 5036353)
<i>Comes v. Microsoft</i> , PX 2233 (IBM 0410302581 - IBM 0410302604)
<i>Comes v. Microsoft</i> , PX 3997A (MS-PCA 2604101 - MS-PCA 2604103)
<i>Comes v. Microsoft</i> , PX 1771 (MS7058163)
<i>Comes v. Microsoft</i> , PX 5555 (MS-PCA 1524865 - MS-PCA 1524866)
<i>Comes v. Microsoft</i> , PX 1767 (NWP00007750 - NWP00007759)
<i>Comes v. Microsoft</i> , PX 1900 (MX3048060 - MX3048100)
<i>Comes v. Microsoft</i> , PX 2138 (NWP00008281 - NWP00008300)
<i>Comes v. Microsoft</i> , PX 2519 (MS98 0113116 - MS98 0113117)
<i>Comes v. Microsoft</i> , PX 5678 (MX 7158570 - MX 7158587)
<i>Comes v. Microsoft</i> , PX 5779 (MS98 0108941 - MS98 0108946)
<i>Comes v. Microsoft</i> , PX 5780 (MSS 0754178)
<i>Comes v. Microsoft</i> , PX 7709 (MS 5059720 - MS 5059721)
<i>Comes v. Microsoft</i> , PX 7953 (MSS 0033593 - MSS 0033602)
<i>Comes v. Microsoft</i> , PX 9744 (MS 5042169 - MS 5042171)
Lee The, <i>OLE 2.0: Stronger Glue, Stickier To Use</i> , DATAMATION, Oct. 15, 1993.
John Soat, <i>Microsoft's Objective View</i> , INFORMATION WEEK, Nov. 23, 1993, at 13
Alexander Wolfe, <i>Here Comes OpenDoc</i> , ELECTRONIC ENGINEERING TIMES, July 11, 1994
Michael Vizard, <i>OpenDoc Group plans anti-OLE campaign</i> , COMPUTER WORLD, Feb. 21, 1994, at 4. (NOV 00025634)
Kelley Damore and Tom Quinlan, <i>OpenDoc spec to inch ahead with release of alpha</i> , INFOWORLD, Jan. 24, 1994, at 14. (NOV 00025637)
"The Next Generation of Network Computing: A Novell-WordPerfect position paper" (NOV 00016272 – 16286)
John Rizzo, <i>What's OpenDoc?</i> , MACUSER, Apr. 1994, at 119, 123. (NOV 00025641 - 25642)
Email from Doug Henrich to Brad Silverberg, re: Word Perfect (Apr. 12, 1994) (MS-PCA 2405196 – 198)
"Novell Announces AppWare Support for OpenDoc," Apr. 25, 1995 (at COMDEX) (NOV-B00154687 – 154690)
OpenDoc, the compound document architecture (NOV-B00542499 – 542501)
PerfectOffice: The Perfect Place to Work (NOV-B00542504 – 542511)
WorkGroup Glossary (NOV-B00571941 – 571946)

The Tapestry Foundation Framework (NOV-B00635696 – 635736)
Correspondence to “Bob” (NOV-B00642501 – 642503)
“The OpenDoc Architecture: Shaping Tomorrow’s Applications” (NOV-B00642518 – 642525)
“PerfectOffice positioning strategy and Applications Group-wide positions strategy,” May 3, 1994 (NOV-B00656866 – 656872)
“OpenDoc: WordPerfect’s Strategic Initiative” (NOV-B0660332 – 660337)
“OpenDoc: WordPerfect’s Strategic Initiative, Questions and Answers” (NOV-B00746182 – 746186)
Standards (NOV-B00929118 – 929121)
“Chapter One: The Living Document” (NOV-B01413324 – 1413337)
“Chapter Three: The Industrys [sic] Worst Nightmare” (NOV-B01413277 – 1413278)
“Chapter Four: OpenDoc Developers Marketing Plan” (NOV-B02045563 – 2045571)
Product rollout plans for PerfectOffice 3.0 (NOV-B01491268 – 1491301)
“Apple Licenses MacApp and OpenDoc Frameworks to Prominent Macintosh and Windows Tools Vendors,” May 8, 1995 (NOV-B01513641 – 1513643)
“OpenDoc for Windows SDK” (NOV-B01630301 - 1630303)
“Industry Leaders Form Component Integration Laboratories To Deliver Software Interoperability” (NOV-B01630304 – 1630306)
“OpenDoc v. OLE 2.0: Superior by Design,” Jan. 1994 (NOV-B01630307 – 1630316)
OpenDoc Technical White Paper, Mar. 17, 1995 (NOV-B01635073 – 1635092)
Developer’s Newsletter, Apr. 8, 1994 (NOV-B01857772 – 1857789)
E-mail from Corporate Communications to WPCORP re: Merger Documents (June 27, 1994) (NOV-B01862772 – 1862778)
“The Danger of DocFiles” (NOV-B01907092 – 1907095)
“Corporate Direction for OpenDoc,” May 3, 1995 (NOV-B01907096 – 1907101)
“Why Should Novell Adopt OpenDoc for Internal Development” (NOV-B01907260 – 1907267)
Jerome A. Broekhuijsen, “Candid Remarks from the Technology and Issues Conference,” July 6, 1994 (NOV-B1907427 – 1907435)
“Technology Brief on COM v. SOM,” Dec. 8, 1993 (NOV-B01921458 – 1921460)
Novell/WordPerfect Merger Questions and Answers (NOV-B1983033 – 1983039)
“Novell to Ship New OpenDoc Developer Release,” Feb. 6, 1995 (NOV-B2444880 – 2444881)
Tour ’94 Non-Disclosure Speech (NOV-B02500716 – 2500734)
“OpenDoc, The Road to Object Oriented Communication” (NOV-B02500748 – 2500749)

“WordPerfect Corporation and Novell Announce Plans to Deliver the Implementation of Apple’s OpenDoc Technology in Windows,” June 29, 1993 (NOV-B02586132 – 2586134)

NOV-B1907105 – 1907259

**Interrogatory No. 3:**

In paragraph 50 of the COMPLAINT, NOVELL contends that “AppWare presented a serious threat to Microsoft. Writing to the AppWare APIs and not to the Windows APIs would enable applications to run not only on Windows, but also on Macintosh and other operating systems at no additional cost.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

Microsoft understood that AppWare was a form of middleware capable of giving programmers an opportunity to create single versions of networking applications that can be used with different operating systems. The principal witnesses of whom Novell is presently aware are: Paul Maritz, Brad Silverberg, Robert Frankenberg, and John Edwards.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell’s prior document production in this matter; documents relating to the threat posed generally by middleware to Microsoft’s monopoly on PC operating systems – such as Judge Jackson’s Findings of Fact, *United States v. Microsoft*, 84 F. Supp. 2d 9 (D.D.C. 1999) (“Findings of Fact”) – fall within this request.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 1590 (MS7079459 - MS7079461)
<i>Comes v. Microsoft</i> , PX 1600 (MS 5011634 - MS 5011649)
<i>Comes v. Microsoft</i> , PX 1835 (MS7088907 - MS7088910)
<i>Comes v. Microsoft</i> , PX 1951 (MS 5056142 - MS 5056145)
<i>Comes v. Microsoft</i> , PX 1987 (MS 5064010 - 5064011)
<i>Comes v. Microsoft</i> , PX 2021A (MS-CC-RN 000000878738 - MS-CC-RN 000000878759)
<i>Comes v. Microsoft</i> , PX 2057 (MS 1438869 - MS 1438871)
<i>Comes v. Microsoft</i> , PX 2069 (MS7066239 - MS7066244)
<i>Comes v. Microsoft</i> , PX 5640 (MS7059677 - MS7059701)
<i>Comes v. Microsoft</i> , PX 5648 (MS-PCA 1182070 - MS-PCA 1182126)
<i>Comes v. Microsoft</i> , PX 7546 (MS7013213 - MS7013224)
Findings of Fact, <i>United States v. Microsoft</i> , 84 F. Supp. 2d 9 (D.D.C. 1999)
Jesse Berst, <i>OS Battle Follows New Law: Survival of the Freest</i> , PC WEEK, March 7 1994
Jane Morrissey, "Novell taking major plunge into application development," PC WEEK, June 21, 1993 (NOV-B00128195 – 128197)
Jesse Berst, <i>This Paper Tiger Has Real Claws</i> ; WINDOWS SOURCES, July 1994 (NOV-B02450634 – 2450636)
"Novell Announces AppWare Support for OpenDoc," Apr. 25, 1995 (at COMDEX) (NOV-B00154687 – 154690)
"Novell Report UK" (NOV-B00159929 – 159938)
PerfectOffice: The Perfect Place to Work (NOV-B00542504 – 542511)
Using the Custom Development Tools (NOV-B00169305 – 169309)
Memorandum from David Bradford to Board of Directors re: Quickview of Pros & Cons for Possible WordPerfect Transaction, Mar. 8, 1994 (NOV-B00866190 – 866191)
WordPefect/Novell Strategic Relationship, March 1993 (NOV-B00642506 – 642510)
Novell/WordPerfect Merger Questions and Answers (NOV-B00642694 – 642699)
WordPerfect Corporation Network Applications (NOV-B00643053 – 643073)
"The Next Generation of Network Computing: A Novell-WordPerfect Position Paper" (NOV-00016272 – 16286)
Product Guide, Perfect Office 3.0 (NOV-B00656783 – 656837)
PerfectOffice Developer's Kit (NOV-B00667308 – 667321)
PerfectOffice 3.0 (NOV-B00749583 – 749590)

PerfectOffice Sales Guide (NOV-B00834013 – 834031)
“Novell-WordPerfect Workgroup Computing Strategy Paper,” Apr. 25, 1994 (NOV-B01359335 – 1359354)
“Novell AppWare (Parts 2 & 3) A System for Developing Network Applications,” White Paper, July 1993 (NOV-B01642461 – 01642488)
“Novell Visual AppBuilder,” White Paper, July 1993 (NOV-B01642542 – 1642550)
Developer’s Newsletter, Apr. 8, 1994 (NOV-B01857772 – 1857789)
E-mail from Corporate Communications to WPCORP re: Merger Documents (June 27, 1994) (NOV-B01862772 – 1862778)
AppWare Foundation Developer’s Kit (NOV-B1939717)
Gupta Endorses AppWare (NOV-B01939724 – 1939726)
Novell, Inc. Delivers AppWare Development Toolkits (NOV-B01939727)
Borland and Novell Partner on Cross-Platform Development Tools (NOV-B01939789 - 1939791)
WordPerfect Corporation – White Paper (NOV-B01968098 – 1968102)
Series of Press Releases, (NOV-B02573932 – 2573963)
“WordPerfect Corporation and Novell Announce Plans to Deliver the Implementation of Apple’s OpenDoc Technology in Windows,” June 29, 1993 (NOV-B02586132 – 2586134)
WordPerfect Corp. Endorses AppWare (NOV-B02880698 – 2880699)
Novell Ships AppWare 1.2, Apr. 18, 1995 (NOV-B03086422 – 03086423)
Willie Tejada, <i>Novell must handle developers carefully over AppWare</i> , INFOWORLD, July 5, 1993 (NOV-B00128193 – 128200)
NOV-B00211452 – 211467
NOV-B00658314 – 658328
NOV-B00658329 – 658362
NOV-B01491268 – 1491301
NOV-B00542566 – 542587
NOV-B00542588 – 542603
NOV-B00637331 – 637346

**Interrogatory No. 4:**

In paragraph 66 of the COMPLAINT, NOVELL contends that “[a]ccess to the newly integrated browsing functions [in Windows 95] would be necessary, for instance, to allow an application to find, open, and save documents created on the application.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms "support," "refer to," or "relate to" because those terms are vague and ambiguous. Novell objects to the incorrect quotation of the sentence in Novell's Complaint to which Microsoft refers, which actually reads:

Access to the newly integrated browsing functions would be necessary, for instance, to allow an application to find, open, and save documents created on the application, such as a legal brief written on WordPerfect, because these functions essentially act as a navigational bridge for the user to access various files, storage devices, printers, and network resources, among other directories.

The principal witnesses of whom Novell is presently aware are: David Bradford, Mark Calkins, Tom Creighton, Robert Frankenberg, Tom Freeman, Steven Giles, Adam Harral, Rich Hume, Eric Meyers, Greg Richardson, Kelly Sonderegger, and Bruce Tietjen. These witnesses should be contacted through Novell's counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell's prior document production in this matter.

**Relevant Documents Include:**

Microsoft I-V Cases, J.C.C.P No. 4106, Investigative Report of David Martin prepared for Evan Ivie, Superior Court of the State of California for the City and County of San Francisco.
Microsoft I-V Cases, J.C.C.P No. 4106, Technical Report of Evan Ivie, August 26, 2002, Superior Court of the State of California for the City and County of San Francisco.
<i>Comes v. Microsoft</i> , PX 7377 (MS 0097121 - MS 0097126)
<i>Comes v. Microsoft</i> , PX 2151 (MS-PCA 1399798)
<i>Comes v. Microsoft</i> , PX 1691 (FL AG 0103212 - FL AG 0103221)
<i>Comes v. Microsoft</i> , PX 5572 (MS 0127353 - MS 0127355)
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<i>Comes v. Microsoft</i> , PX 5576 (MS 0150261 - MS 0150265)
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<i>Comes v. Microsoft</i> , PX 5599 (MS 0150299 - MS 0150310)
<i>Comes v. Microsoft</i> , PX 2184 (NL2 0004272)
<i>Comes v. Microsoft</i> , PX 2396 (NL2 0000177)
<i>Comes v. Microsoft</i> , PX 3224 (NL2 0000094)
<i>Comes v. Microsoft</i> , PX 2363 (NL2 0000578)
<i>Comes v. Microsoft</i> , PX 7445A (MS 0097113 – 97126)
<i>Comes v. Microsoft</i> , DX 3066, <a href="http://www.compware.demon.co.uk/huey/w95vfd.txt">http://www.compware.demon.co.uk/huey/w95vfd.txt</a> (printed 3/21/2002)
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E-mail from Brad Struss to Kelly Sondregger re: explorer extensions (Nov. 23, 1994) (NOV 00001378 – NOV 00001379)
E-mail between Brian Cooper and braja re: shell extensions (NOV 000052786)
E-mail from Brian Cooper to braja (at Microsoft) re: file change notification APIs (Nov. 6, 1995) (NOV 000050924)
Extending Windows Explorer Namespaces with the .NET Framework ( <a href="http://msdn.microsoft.com/en-us/magazine/cc188741(printer).aspx">http://msdn.microsoft.com/en-us/magazine/cc188741(printer).aspx</a> )
Eclipse InForms Perfect 3.0 Integration Software Requirement Specification (NOV-B00029865 – 29881)
PerfectFit 95 Architecture (NOV-B01413616 – 1413624)
Quality Assurance Project Plan for PerfectFit 95 (NOV-B1434480 – 1434491)
“Open” Dialog User Interface Functionality Testing Overview and Outline, Mar. 30, 1995 (NOV-B01787803 – 1787825)
PerfectFit 95 Test Level Plan (NOV-B01787894 – 1787909)
PerfectFit Services (NOV-B01901896 – 1901897)
PerfectFit 95: Open File Dialog – Function and Issues, July 11, 1995 (NOV-B02011392 – 2011406)
PerfectFit Shared Code Technology (NOV-B01105944 – 1105947)
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E-mail from Brad Struss to Doug Henrich re: Namespace Extension Decision (Oct. 12, 1994) (MX6055840 – 6055841)
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E-mail from Mike Maples to Paul Maritz re: "Infocenter" proposal (Jan. 28, 1994) (MS7080895 – 7080897)
E-mail from Brad Struss to Steve Madigan, Paul Maritz, and others (Sept. 22, 1994) (MX6109491 – 6109498)
E-mail from Bill Gates to Paul Maritz re: Shell Interfaces in Win95 (Oct. 24, 1994) (MX5067022)
E-mail from Jeff Turner to Dave Miller (Oct. 2, 1995) (NOV 00052863)
Rich Hume and Grant Skousen, "Trip Report, Chicago User Interface Design Review," (July 8-9, 1993) (NOV-B01024423 – 1024438)
"Trip Report, Win32 Developers Workshop Featuring Chicago," (Sept. 9 and 10, 1993) (NOV-B01024446 – 1024469)
E-mail from Thomas Reardon to Ben Slivka re: Rough Schedule (Oct. 11, 1994) (MS-PCA 1085664 – 1085665)
E-mail from Phil Barrett to Arthur Blume and others re: Kick-off meeting results (Sept. 14, 1994) (MS-PCA 1085673 – 1085674)
E-mail from Bill Gates to Brian Fleming re: "Shell Extensions" (Nov. 8, 1994) (MX 6025435)
David W. Boles, <i>Athena: Goddess of War, Mail, and News!</i> , GO INSIDE, July 15, 1996 ( <a href="http://goinside.com/96/athena.html">http://goinside.com/96/athena.html</a> )
E-mail from Paul Smart to Stewart Nelson re: Current Department of Justice Inquiry into Microsoft (NOV-25-026389 – 26390)
WPWin32 Issues (NOV-B01396701 – 1396706)
E-mail from Sean Nolan to russs re: iShellBrowser Junk (Oct. 5, 1994) (MX 5103233 – 5103235)
E-mail from Paul Maritz to Bill Gates and Mike Maples re: update on technical issues (Mar. 17, 1994) (MS 5036251 – 5036252)
US Patent No. US 6,360,280 B1, Method and system for accessing shell folder capabilities by an application program
E-mail from Satoshi Nakajima to Chicago Shell API/Intrfc Chng Notif and Teri Schiele re: Making iShellBrowser internal (Oct. 10, 1994) (MS98 0103243)
E-mail from Brad Silverberg to kurte and satona re: shell extensions (Jan. 20, 1994) (MS 5064050 – MS 5064051)
E-mail from Brad Silverberg to Jim Allchin re: WP visit (Nov. 18, 1993) (MS7086583 – 7086584)
E-mail from Brad Silverberg to Joe Belfiore re: Infocenter (Feb. 2, 1994) (MS 5060656)
Chicago Explorer Superset and Replacement (MS-PCA 1566791 – 1566797)
E-mail from David Cole to Brad Silverberg and others re: WP Visit [sic] (Nov. 15, 1993) (MS-PCA 2412200 – 2412201)
E-mail from Bob Muglia to Christopher Graham re: Office Shell (July 3, 1993) (FL AG 0019001 – 19002)

Critical Issues with Microsoft (Dec. 18, 1995) (NOV 00001414 – 1416)
WordPerfect Windows 95 Shell Integration (NOV-B00941714 – 941723)
Sid Cragun, Concept Design Specification (Feb. 21, 1995) (NOV-B00941834 – 941863)
QuickFinder Information Retrieval Project Development Plan (NOV-B01434126 – 1434156)
US Patent No. 6,008,806, Shell Extensions for An Operating System (Dec. 28, 1999)
US Patent No. 5,831,606, Shell Extensions for An Operating System (Nov. 3, 1998)
E-mail from Steven Sinofsky to Bill Gates re: Ren (Mar. 13, 1994) (MS 5036507 – 5036508)
E-mail from Joe Belfiore to “bens” and others re: thoughts to complement darrylr’s (MS-PCA 1084903)
E-mail from Troy Millett to Dave Miller re: Need of Chicago Explorer Extensions (Nov. 15, 1994) (NOV 00001374)
Satoshi Nakajima, Web-like Shell: Architecture (Nov. 8, 1995) (MS-PCA 1085015 – 1085021)
PerfectFit 95 Feature List (NOV-B00150774 – 150778)
PerfectFit Shared Code Technology (NOV-B01105944 – 01105947)
Concept Design Specification for PerfectFit 95 (Mar. 31, 1995) (NOV-B01426168 – 01426213)
PerfectFit 95 Schedule Panic Mode Modification Recommendations (NOV-B01491962 – 1491966)
Open File Dialog – Function and Issues (June 28, 1995) (NOV-B02011328 – 2011347)
QuickFinder Design Document (June 15, 1995) (NOV-B01105814 – 01105851)
NOV-B02020632 – 2020634

**Interrogatory No. 5:**

In paragraph 70 of the COMPLAINT, NOVELL contends that for a number of reasons (some of which are set forth in the COMPLAINT), “some applications written for earlier versions of Windows, and WordPerfect in particular, would not be compatible with Windows 95.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive

information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

Microsoft is in a better position to know the compatibility issues raised by Windows 95, which inextricably linked both Microsoft’s PC operating system, MS-DOS, with its Windows interface. Windows 95 differed in numerous other functional ways, as Microsoft advertised at the time. While Windows 95 created compatibility issues for ISVs, Microsoft ensured that its own applications integrated with Windows 95. For example, Microsoft bound Internet Explorer to Windows 95 by placing code specific to internet web browsing in the same files as code that provided operating system functions. *See, e.g.*, Findings of Fact ¶¶ 161-65. The principal witnesses of whom Novell is presently aware are: David Bradford, Mark Calkins, Tom Creighton, Robert Frankenberg, Tom Freeman, Steven Giles, Adam Harral, Rich Hume, Eric Meyers, Greg Richardson, Kelly Sonderegger, and Bruce Tietjen. These witnesses should be contacted through Novell’s counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell’s prior document production in this matter.

**Relevant Documents Include:**

Microsoft I-V Cases, J.C.C.P No. 4106, Investigative Report of David Martin prepared for Evan Ivie, Superior Court of the State of California for the City and County of San Francisco
Microsoft I-V Cases, J.C.C.P No. 4106, Technical Report of Evan Ivie, August 26, 2002, Superior Court of the State of California for the City and County of San Francisco
<i>Comes v. Microsoft</i> , PX 2396 (NL2 0000177)
Paul Andrews, <i>Working Out The Bugs -- Win95 Has Its Problems, But Most Are Easy To Solve</i> , THE SEATTLE TIMES, Oct. 1, 1995, at C1
E-mail from brianrey to davidcol re: Getting non-client metrics from a 16-bit app in Win95 (Apr. 5, 1995) (MSC 00659110 – 659111)
PerfectOffice 3.1 Bug Review (NOV-B01886753 – 1886770)
PerfectOffice 3.0 Windows 95 problems (March 24, 1995) (NOV-B01167360 – 1167387)

PerfectOffice Patch Disk (NOV-B01942855 – 1942863)
E-mail string from Bruce Brereton to Dave Miller re: bug list letter to MS (Sept. 1, 1995) (NOV 00599262 - 599263)
E-mail series re: DOJ inquiry (July 13, 1995) (NL2 0000170 – 0000173)
E-mail from Lorraine Fox to install re: small caution (Aug. 23, 1995) (NOV 000546059)
E-mail from Chuck Middleton to Bruce B re: small caution (Aug. 24, 1995) (NOV 000546061)
E-mail from Glen Mella to Craig Bushman and others re: Win95 Tests Show Glitches in Many DOS, Windows Apps (PC Week) (Aug. 1, 1995) (NOV 00642392)
Letter to Bob Kruger from Dave Miller re: bugs (Aug. 31, 1995) (NOV 000546043 - 546045)
E-mail from Ross Wolf to SENELSON and GGIBB re: MS Win95 Compatibility List (Aug. 1, 1995) (NOV 000545820)
PerfectOffice 3.0 Patch Bugs (NOV-B001394596 – 1394603)
Project Development Plan (PerfectOffice) (NOV-B01425532 – 1425551)
PerfectFit 95 Quality Assurance Project Plan (NOV-B1434480 – 1434491)
Letter from Bob Frankenberg to Bill Gates (June 8, 1995) (NOV 000572060 - 572062)
Letter from Bob Frankenberg to Bill Gates (June 23, 1995) (NOV 000545722 - 545724)
Letter from Bill Gates to Bob Frankenberg (July 20, 1995) (NOV 000540722 – 540726)
Windows 95 and Window [sic] NT 3.5 Portability Issues (NOV 000545758 – 545760)
E-mail from Brian Rey to Bob Kruger re: novell apps (June 30, 1995) (MSC 00659224 – 659229)
E-mail from Ron Prior to David Cole re: DeInstall issues (Feb. 2, 1995) (MSC 00659108)
E-mail from lhalston to davidcol re: RC1 (build 490) follow-up report (June 23, 1995) (MSC 00659121 – 659124)
E-mail from lhalston to w95team re: Build 490 (RCA) MS Internal Rollout Report (June 23, 1995) (MSC 00659125 – 659127)
E-mail from rvarun to chicowar re: Scanner exposure (June 23, 1995) (MSC659128)
E-mail from davidcol to bradsi re: Win95 status – 6/29 (June 29, 1995) (MSC 00659129 – 659133)
Memorandum from Ben Hendrick to Dave Miller re: Windows 95 Access Concerns – Response (Mar. 7, 1995) (NOV 000544792 - 544800)
E-mail from tomle to davidcol re: Plug and Play Problems (June 29, 1995) (MSC 00659134 – 659138)
Letter from Terri Lum to Barry Dacus (Oct. 24, 1995) (NOV 000544792 - 544800)
E-mail from tomad to brianrey and Bob Kruger re: novell apps (July 3, 1995) (MSC00659148 – 659154)
E-mail from teresann to chicowar re: David Coles thread on build 950 (July 3, 1995) (MSC 659155)

E-mail from John Gray to chicowar re: Win95 OEM Status 7/5 (July 5, 1995) (MSC 00659161)
E-mail from davidcol to 295team re: Win95 status – 7/6 am (July 6, 1995) (MSC 00659163 – 659164)
E-mail from davidcol to w95stream re: Win95 status – 7/7 (July 7, 1995) (MSC 00659165)
E-mail from Donna Scott to davidcol; tammyst re: Unresolved Win95 Bugs (June 29, 1995) (MSC 00659219 – 659222)
E-mail from joeb to davidcol; dennisad re: Follow up on Win95 problems (July 10, 1995) (MSC 00659263 – 659264)
E-mail from Brad Silverberg to Mike conte; yusufm re: CRN next week (Aug. 8, 1995) (MS-PCA 2404923 – 2404928)
E-mail from Richard Eckel to Jim Manzi and others re: Cringeley Column (Mar. 25, 1995) (IBM 7510251982 – 7510251983)

**Interrogatory No. 6:**

In paragraph 72 of the COMPLAINT, NOVELL contends that “[a]s a result of Microsoft's integration of the browsing functions into Windows [95], ISVs needed documentation of the browsing extensions to design their applications to perform the most basic file management functions.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous. Microsoft is in a better position to know the problems encountered by ISVs in trying to design applications for Windows 95.

The principal witnesses of whom Novell is presently aware are: David Bradford, Mark Calkins, Tom Creighton, Robert Frankenberg, Tom Freeman, Steven Giles, Adam Harral, Rich Hume, Eric Meyers, Greg Richardson, Kelly Sonderegger, and Bruce Tietjen. These witnesses should be contacted through Novell’s counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell's prior document production in this matter.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 7377 (MS 0097121 - MS 0097126)
<i>Comes v. Microsoft</i> , PX 2151 (MS-PCA 1399798)
<i>Comes v. Microsoft</i> , PX 1711 (MS 0153730 - MS 0153740)
<i>Comes v. Microsoft</i> , PX 5572 (MS 0127353 - MS 0127355)
<i>Comes v. Microsoft</i> , PX 1691 (FL AG 0103212 - FL AG 0103221)
<i>Comes v. Microsoft</i> , PX 3224 (NL2 0000094)
<i>Comes v. Microsoft</i> , PX 2363 (NL2 0000578)
<i>Comes v. Microsoft</i> , PX 7413 (MS 5046397 - 5046414)
<i>Comes v. Microsoft</i> , PX 2184 (NL2 004272)
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<i>Comes v. Microsoft</i> , PX 2396 (NL2 0000177)
<i>Comes v. Microsoft</i> , PX 2383 (MS98 0120900 - 0120902)
<i>Comes v. Microsoft</i> , DX 3066, <a href="http://www.compware.demon.co.uk/huey/w95vfd.txt">http://www.compware.demon.co.uk/huey/w95vfd.txt</a> (printed 3/21/2002)
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E-mail from Brad Hegerhost re: point and click compatibility (Aug. 2, 1995) (NOV 000052794)
E-mail from Brad Struss to Kelly Sondregger re: explorer extensions (Nov. 23, 1994) (NOV 00001378 – NOV 00001379)
E-mail from Brad Struss to Kelly Sondregger re: explorer extensions (Nov. 23, 1994) (NOV 00001378 – NOV 00001379)
E-mail between Brian Cooper and braja re: shell extensions (NOV 000052786)
E-mail from Paul Stanton to Dave Miller re: Latest CD to Novell (March 14, 1995) (NOV 00052925)
E-mail from Bruce Greenblatt re: changes in MAPI service provider interface (Aug. 30, 1995) (NOV 00052842)
Microsoft I-V Cases, J.C.C.P No. 4106, Investigative Report of David Martin prepared for Evan Ivie, Superior Court of the State of California for the City and County of San Francisco

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E-mail from Tandy Trower to Bill Gates re: extensions (June 23, 1993) (MS7080520)
E-mail from davidcol to bradsi; bradstr; dennisad re: WP visit (Nov. 15, 1993) (MS-PCA 24412200 – 2412201)
E-mail from Brad Silverberg to kurte; satona re: shell extensions (Jan. 20, 1994) (MS 5064050 – 5064051)
E-mail from Brad Silverberg to Joe Belfiore; davidcol; johnlu re: Infocenter (Feb. 2, 1994) (MS 5060656)
E-mail from Paul Maritz to David Cole; Joe Belfiore re: Capone and Shell API's (Feb. 8, 1994) (MS 5025058)
Memorandum from Richard Wolf to Distribution re: Office and Shell Integration (Sept. 9, 1994) (MS-PCA 1714801 – 1714806)
E-mail string re: ISV status on Namespace Browsers/explorer extensibility (Sept. 22, 1994) (MX 6109491 – 6109498)
E-mail from Peter Pathe to Steven Sinofsky re: Internet (Sept. 27, 1994) (MS-PCA 1102616)
E-mail from Russel Siegelman to Anthony Bay and others re: Internet (Sept. 29, 1994) (M 1027348 - 1027350)
E-mail from Brad Silverberg to Tom Evslin; Bill Gates re: Shell plans – iShellBrowser (Oct. 3, 1994) (MS-PCA 1293571 – 1293572)
E-mail from John Ludwig to Ben Slivka; Thomas Reardon re: Browsing (Oct. 5, 1994) (MS-PCA 1001781- 1001783)
E-mail from Sean Nolan to Russ re: iShellBrowserJunk (Oct. 5, 1994) (MX 5103233 – 5103235)
E-mail from bradsi to russ re: proposed iShellBrowser solution for Marvel (MX 5103184 – 5103185)
E-mail from Thomas Reardon to Ben Slivka re: rough schedule (Oct. 11, 1994) (MS-PCA 1001779 – 1001780)
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“How to be a great app in the Chicago Shell” (MS-PCA 2061739 – 2061742)
E-mail from Steve Ballmer to Bill Gates re: Shell plans – iShellBrowser (Dec. 6, 1994) (MS-PCA 1293704 – 1293705)
US Patent No. 5,831,606, Shell Extensions for An Operating System (Nov. 3, 1998)
E-mail string re: Results of Today's Name-Space Meeting (Jan. 13, 1995) (MX 7154940)



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Rich Hume and Grant Skousen, Trip Report: Chicago User Interface Design Preview (July 8 & 9, 1993) (NOV-B01024423 - 1024438)
Trip Report: Win32 Developers Workshop Featuring Chicago (Sept. 9 & 10, 1993) (NOV-B01024446 - 10244469)
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E-mail from Bill Gates to Brian Fleming re: Shell Extensions (Nov. 8, 1994) (MX 6025435)
E-mail from Satoshi Nakajima to Chicago Shell API / Intrafac Chang Notif re: Marking iShell internal (Oct. 10, 1994) (MS98 0103243)
Microsoft Windows (Chicago) User Interface Design Preview (July 8-9, 1993) (MS 0096813 - 96921)
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Critical Issues with Microsoft (Dec. 18, 1995) (NOV 00001414 - 1416)
E-mail from Joe Belfiore to "bens" and others re: thoughts to complement darrylr's (MS-PCA 1084903)
E-mail from Troy Millett to Dave Miller re: Need of Chicago Explorer Extensions (Nov. 15, 1994) (NOV 00001374)
Satoshi Nakajima, Web-like Shell: Architecture (Nov. 8, 1995) (MS-PCA 1085015 - 1085021)
PerfectFit 95 Feature List (NOV-B00150774 - 150778)
PerfectFit Shared Code Technology (NOV-B01105944 - 01105947)
Concept Design Specification for PerfectFit 95 (Mar. 31, 1995) (NOV-B01426168 - 01426213)
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Sid Cragun, Concept Design Specification (Feb. 21, 1995) (NOV-B00941834 - 941863)
WPWin32 Issues (NOV-B01396701 - 1396706)

**Interrogatory No. 7:**

In paragraph 73 of the COMPLAINT, NOVELL contends that as a result of MICROSOFT'S "evangelization" of the "integrated browsing functions" in Windows 95, sometimes referred to in the COMPLAINT as "extensions,"

[i]n the early stages of developing WordPerfect for Windows 95, Novell thus devoted significant resources to ensuring compatibility with and otherwise exploiting the benefits of Windows' integrated browsing functions. Further, as encouraged by Microsoft, Novell expended additional resources to expand upon the extensions, providing still greater functionality for its own customers and potentially for other ISVs and their customers. For example, Novell designed its software programs and products to utilize the programming interfaces in Microsoft's main file management utility (called the Explorer) to display rich directory information about Novell-managed network resources.

Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms "support," "refer to," or "relate to" because those terms are vague and ambiguous.

The principal witnesses of whom Novell is presently aware are: David Bradford, Mark Calkins, Tom Creighton, Robert Frankenberg, Tom Freeman, Steven Giles, Adam Harral, Rich Hume, Eric Meyers, Greg Richardson, Kelly Sonderegger, and Bruce Tietjen. These witnesses should be contacted through Novell's counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell's prior document production in this matter.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 2383 (MS98000120900 - MS98000120902)
<i>Comes v. Microsoft</i> , PX 2155 (MS-PCA 1001481)
<i>Comes v. Microsoft</i> , PX 5673 (MS PCA 1541734 – MS PCA 1735)
Microsoft I-V Cases, J.C.C.P No. 4106, Investigative Report of David Martin prepared for Evan Ivie, Superior Court of the State of California for the City and County of San Francisco
Microsoft I-V Cases, J.C.C.P No. 4106, Technical Report of Evan Ivie, August 26, 2002, Superior Court of the State of California for the City and County of San Francisco
<i>United States v. Microsoft Corp.</i> , 84 F. Supp. 2d 9 (D.D.C. 1999)
E-mail from Paul Stanton to Dave Miller re: Latest CD to Novell (March 14, 1995) (NOV 00052925)
E-mail from Bruce Greenblatt re: changes in MAPI service provider interface (Aug. 30, 1995) (NOV 00052842) (MS-PCA2535383 – 2535295)
E-mail from Brad Hegerhost re: point and click compatibility (Aug. 2, 1995) (NOV 000052794)
E-mail from Brad Struss to Kelly Sondregger re: explorer extensions (Nov. 23, 1994) (NOV 00001378 – NOV 00001379)
E-mail between Brian Cooper and braja re: shell extensions (NOV 000052786)
E-mail from Brian Cooper to braja (at Microsoft) re: file change notification APIs (Nov. 6, 1995) (NOV 000050924)
John Vogler, <i>War of the Windows</i> , UNIX NEWS, Apr. 1, 1994, at 19
E-mail from Davidcol to Brad Silverberg; Brad Struss; dennisad; georgem; Jeff Turner; Joe Belfore re: WP visit (Nov. 15, 1993) (MS-PCA 2412200 – 2412201)
E-mail from Brad Struss to Steve Madigan; Paul Maritz; Joe Belfore; Darryl Rubin; Brian MacDonald re: ISV status on Namespace Browsers/explorer extensibility (Sept. 22, 1994) (MSC 00718794 – 00718801)
E-mail from Brad Struss to Kelly Sonderegger re: explorer extensions (Nov. 23, 1994) (NOV 00001378 - 1379)
E-mail from Kelly Sonderegger to Dave Miller re: explorer extensions (Nov. 29, 1994) (NOV 000540684)
E-mail from Brad Silverberg to Brad Struss; Paul Maritz re: Shell extensibility and ISVs (Aug. 11, 1995) (MS98 0120900 - 0120902)
E-mail from Brad Silverberg to russs re: proposed iShellBrowser solution for Marvel (Oct. 5, 1994) (MX 5103184 – 5013185)
Windows User Interface Chicago and Cairo “End-User Experience (March 3 & 4, 1994) (MS7051073 – 7051079)
E-mail from Brad Struss to Doug Henrich re: Namespace Extension Decision (Oct. 12, 1994)

(MX6055840 – 6055842)
Q&A (MX 6055843 – 6055844)
E-mail from Bruce G. Brereton to Ryan Richards re: DOJ Issues (Aug. 28, 1995) (NOV-25-000176)
E-mail from Jeff Turner to Dave Miller re: Things we need from Microsoft – Reply (Oct. 2, 1995) (NOV 00052863)
E-mail from Paul Smart to Stewart Nelson re: Current Department of Justice Inquiry into Microsoft – Forwarded (May 24, 1996) (NOV-25-026389 – 026390)
Trip Report Chicago User Interface Design Preview (July 8 and 9, 1993) (NOV-B01024423 - B01024438)
Microsoft Windows (Chicago) User Interface Design Preview (July 8 – 9, 1993) (MS 0096813 – 0096921)
E-mail from Brad Silverberg to kurte; satona re: shell extensions (Jan. 20, 1994) (MS 5064050 – 5064051)
E-mails from Brad Silverberg to jimall; smtp:bobmu; paulma re: FW: WP visit (Nov. 18, 1993) (MS7086583 – 7086584)
E-mail from David Cole to Bill Gates; Brad Silverberg; Chris Peters; Jim Allchin; Jonathan Lazarus; Mike Maples; Paul Maritz; Pete Higgins; Roger Heinen; Steve Ballmar; Tom Evslin; Clair Lematta re: Chicago beta 1 content (Feb. 10, 1994) (MS 5036025 – 5035030)
E-mail from David Cole to Brad Silverberg; Brad Struss; dennisad; georgem; Jeff Turner; Joe Belfore re: WP visit (Nov. 15, 1993) (MS-PCA 2412201 – 2412201)
E-mail from Brad Struss to Doug Henrich re: FW: Namespace Extension Decision (Oct. 12, 1994) (MS-CCPMDL 000000259759 – 259763)
Critical Issues with Microsoft (Dec. 18, 1995) (NOV-00001414 – 00001416)
E-mail from Troy Millett to David Miller re: Need of Chicago Explorer Extensions (Nov. 15, 1994) (NOV 00001374)
WPWin 32 Issues (NOV-B01396701 – 01396706)
E-mail from Bruce Brereton to Glen Mella re: DOJ Inquiry – Reply (July 13, 1995)(NLS 0000071)
WordPerfect Windows 95 Shell Integration (NOV-B00941714 - 00941723)
Concept Design Specification (Feb. 21, 1995) (NOV-B00941834 - 00941863)
Trip Report Win32 Developers Workshop Featuring Chicago (Sept. 9th and 10th, 1993) (NOV-B01101179 - 01101202)
WPWIN Future Functionality (NOV-B01152642 - 01152645)
Thunder Concept List (NOV-B01154527 - 01154540)
WordPerfect Chicago Shell Integration (NOV-B01396680 - 01396689)
QuickFinder Information Retrieval – Project Development Plan (NOV-B01434126 - 01434156)

PerfectFit 95 Development (NOV-B01450467 - 01450469)
QuickFinder Information Retrieval – Project Development Plan (NOV-B03687610 - 03687634)
QuickFinder (NOV-B02002485 - 02002486)
Concept Design Specification (Feb. 2, 1995) (NOV-B00635916 - 00635943)
Trip Report – Win32 Developers Workshop Featuring Chicago (September 9 and 10, 1993) (NOV-B01024446 - 01024469)
PerfectFit Extended Services Group Status Report for February 1995 (NOV-B01904103 - 01904121)
User Requirements Specification (NOV-B00471686 - 00471698)
First Wave ISV monthly update from Brad Silverberg to First Wave Technical Liaisons (NOV-B01644558 - 01644563)
Extending the Chicago Shell (NOV-B03687517 - 03687535)
Namespace (NOV-B0202632 - 0202636)
Eclipse InForms PerfectFit 3.0 Integration Software Requirement Specification (NOV-B00029865 - 00029881)
PerfectFit 95 Architecture (NOV-B01413616 - 01413624)
Quality Assurance Project Plan (NOV-B01434480 - 01434491)
Memo from Tammy Steele to Tammy Steele re: First Wave: Chicago Status Update (June 15, 1994) (NOV-B01644564 - 01644570)
“Open” Dialog User Interface Functionality Testing Overview and Outline – Addendum 1 to Component Test Plan – file System (NOV-B01787803 - 01787825)
PerfectFit 95 Test Level Plan (NOV-B01787894 - 01787909)
PerfectFit Services (NOV-B01901896 - 01901897)
PerfectFit 95: Open File Dialog – Function and Issues (NOV-B02011392 - 02011406)
Win32 Conference Issues (NOV-B01024443 - 01024445)
Win32 Conference Issues (NOV-B01907436 –01907439)
Chicago Win32 Shared Code (NOV-B00029902 - 00029904)
Win32 PerfectFit Technology (Nov. 28, 1994) (NOV-B00029922 - 00029925)
Chicago Win32 Shared Code (NOV-B01055255 – 01055263)
Chicago Win32 Shared Code (NOV-B01904884 – 01904892)
Business Applications: Ideas on Future Direction (NOV-B01394514 - 1394521)
PerfectFit 95 Feature List (NOV-B00150774 - 150778)

**Interrogatory No. 8:**

In paragraph 75 of the COMPLAINT, NOVELL contends that “[a]fter Microsoft withdrew the documentation of the [Windows 95] browsing extensions, Novell was suddenly unable to provide basic file management functions in WordPerfect; in many instances, a user literally could not open a document he previously created and saved.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous. Microsoft is in a better position to know that it withdrew the documentation for certain browsing extensions once it learned that WordPerfect and other ISVs were using those extensions to design unique features while Microsoft was not yet able to design such features for its own applications.

The principal witnesses of whom Novell is presently aware with knowledge relating to this contention are: David Bradford, Mark Calkins, Tom Creighton, Robert Frankenberg, Tom Freeman, Steven Giles, Adam Harral, Rich Hume, Eric Meyers, Greg Richardson, Kelly Sonderegger, and Bruce Tietjen. These witnesses should be contacted through Novell’s counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell’s prior document production in this matter.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 2383 (MS98000120900 - MS98000120902)
<i>Comes v. Microsoft</i> , PX 2353 (NL2 0000071)
<i>Comes v. Microsoft</i> , PX 2396 (NL2 0000177)

Microsoft I-V Cases, J.C.C.P No. 4106, Investigative Report of David Martin prepared for Evan Ivie, Superior Court of the State of California for the City and County of San Francisco
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Concept Design Specification for PerfectFit 95 (NOV-B01426168 – 1426213)
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PerfectFit 95 Schedule Panic Mode Modification Recommendations (NOV-B01491962 – 1491966)
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**Interrogatory No. 9:**

In paragraph 77 of the COMPLAINT, NOVELL contends that

when Microsoft released Windows 95 and Office 95, at virtually the same time, Microsoft suddenly reversed course and documented the programming interfaces. Doing so voided the alternatives that Microsoft previously forced Novell to expend an entire year developing and, at the precise moment when Word Perfect needed to enter the market, forced Novell to spend additional time designing basic functions of WordPerfect all over again.

Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

The principal witnesses of whom Novell is presently aware are: Tom Creighton, Steven Giles, Adam Harral, and Greg Richardson. These witnesses should be contacted through Novell’s counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through prior litigation and Novell’s prior document production in this matter.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 7683 (MS7089438 - MS7089442)
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<i>Comes v. Microsoft</i> , PX 7413 (MS 5046397 - MS 5046414)
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<i>Comes v. Microsoft</i> , PX 5572 (FL AG 0021493 - FL AG 0021495)
<i>Comes v. Microsoft</i> , PX 2158 (MS98000103243 - MS98000103243)
<i>Comes v. Microsoft</i> , PX 2383 (MS98000120900 - MS98000120902)
<i>Comes v. Microsoft</i> , PX 5673 (MS-PCA1541734-735)
<i>Gordon v. Microsoft</i> , PX 2251 (NL2 0000039 – NL2 0000047)
<i>Gordon v. Microsoft</i> , PX 2258A (IBM7510374392 – IBM751037495)
<i>Comes v. Microsoft</i> , PX 2353 (NL2 0000071)
<i>Comes v. Microsoft</i> , PX 2396 (NL2 0000177)
Microsoft I-V Cases, J.C.C.P No. 4106, Investigative Report of David Martin prepared for Evan Ivie, Superior Court of the State of California for the City and County of San Francisco
Microsoft I-V Cases, J.C.C.P No. 4106, Technical Report of Evan Ivie, August 26, 2002, Superior Court of the State of California for the City and County of San Francisco
E-mail from Dave Miller to Paul Stanton re: Latest CD to Novell (March 13, 1995) (NOV 00052922)
E-mail from Paul Stanton to Dave Miller re: Latest CD to Novell (March 14, 1995) (NOV 00052925)
Concept Design Specification for PerfectFit 95 (Mar. 31, 1995) (NOV-B01426168 – 01426213)
PerfecFit 95 Schedule Panic Mode Modification Recommendations (NOV-B01491962 – 1491966)
Statement of Novell, Inc. Before the Federal Trade Commission (Dec. 1, 1995) (NOV 000645955 - 645968)

**Interrogatory No. 10:**

In paragraph 79 of the COMPLAINT, NOVELL contends that “[i]n addition to documentation of the crucial browsing extensions, Microsoft withheld other technical specifications concerning Windows 95, and in some instances affirmatively misrepresented the specifications, further delaying Novell’s delivery of WordPerfect and related applications for the Windows 95 platform.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive



information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

The principal witnesses of whom Novell is presently aware are: Carl Anderson, David Bradford, Mark Calkins, Tom Creighton, Robert Frankenberg, Tom Freeman, Steven Giles, John Gailey, Adam Harral, Rich Hume, Eric Meyers, Greg Richardson, Kelly Sonderegger, Rob Steele, Bruce Tietjen, Ben Hendricks, Rob Shurtleff, Tom Evslin, Don Miller, Michael Zisman, Stuart Jensen, and Carolyn McClain. Messrs. Anderson, Bradford, Calkins, Tietjen, Creighton, Harral, Meyers, Richardson, and Hendricks should be contacted through Novell’s counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through prior litigation.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 1602 (MS 5039718 - MS 5039719)
<i>Comes v. Microsoft</i> , PX 1603 (MS 5039792 - MS 5039794)
<i>Comes v. Microsoft</i> , PX 1653 (MS7087101 - MS7087103)
<i>Comes v. Microsoft</i> , PX 1783 (MS7095498 - MS7095502)
<i>Comes v. Microsoft</i> , PX 1797 (MS7086803 - MS7086804)
<i>Comes v. Microsoft</i> , PX 1808 (MS 5042220 - MS 5042222)
<i>Comes v. Microsoft</i> , PX 1810 (MS 5043511 - MS 5043512)
<i>Comes v. Microsoft</i> , PX 1826 (MS 5042307 - MS 5042308)
<i>Comes v. Microsoft</i> , PX 1838 (MS7080007 - MS7080009)
<i>Comes v. Microsoft</i> , PX 1873 (MS 0157966)
<i>Comes v. Microsoft</i> , PX 1990 (MS 0157789 - MS 0157791)
<i>Comes v. Microsoft</i> , PX 2095 (MS 5036384)
<i>Comes v. Microsoft</i> , PX 2099 (MS7095499 - MS7095502)
<i>Comes v. Microsoft</i> , PX 2190 (NL2 0004319 - NL2 0004320)
<i>Comes v. Microsoft</i> , PX 2251 (NL2 0000039 - NL2 0000047)
<i>Comes v. Microsoft</i> , PX 2253 (NL2 0000275 - NL2 0000277)

<i>Comes v. Microsoft</i> , PX 2263 (MS-PCA 7153419 - MS-PCA 7153434)
<i>Comes v. Microsoft</i> , PX 2270 (NL2 0004595 - NL2 0004438)
<i>Comes v. Microsoft</i> , PX 2274 (NL2 0004597)
<i>Comes v. Microsoft</i> , PX 2275 (NL2 0004599 - NL2 0004600)
<i>Comes v. Microsoft</i> , PX 2284 (NL2 0000225 - NL2 0000226)
<i>Comes v. Microsoft</i> , PX 2301 (NL2 0000019)
<i>Comes v. Microsoft</i> , PX 2304 (NL2 0000016 - NL2 0000017)
<i>Comes v. Microsoft</i> , PX 2308 (NL2 0000013 - NL2 0000382)
<i>Comes v. Microsoft</i> , PX 2342 (NL2 0000171 - NL2 0000172)
<i>Comes v. Microsoft</i> , PX 2353 (NL2 0000071)
<i>Comes v. Microsoft</i> , PX 2355 (NL2 0000554 - NL2 0000555)
<i>Comes v. Microsoft</i> , PX 2375 (NL2 0003819 - NL2 0003820)
<i>Comes v. Microsoft</i> , PX 2379 (NL2 0004258 - NL2 0004262)
<i>Comes v. Microsoft</i> , PX 2382 (NL2 0004714)
<i>Comes v. Microsoft</i> , PX 2396 (NL2 0000177)
<i>Comes v. Microsoft</i> , PX 4381 (MS-PCA 2618244 - MS-PCA 2618246)
<i>Comes v. Microsoft</i> , PX 2308_D (NL2 0000382)
<i>Comes v. Microsoft</i> , PX 7723 (NL2 0003075 - NL2 0003079)
<i>Comes v. Microsoft</i> , PX 1810 (MS 5043511 - 5043512)
John Vogler, <i>War of the Windows</i> , UNIX NEWS, Apr. 1, 1994, at 19
Jared Sandberg, <i>Rivals Claim Windows 95 Hinders Service</i> , THE WALL STREET JOURNAL EUROPE, Aug. 28, 1995, at 4
Letter from Diane Callan to Anne Bingaman (Mar. 24, 1995) (IBM 7510251292 – 7510251320)
Memorandum from Michael D. Zisman to Jim Manzi re: Microsoft MAPI (Mar. 23, 1995) (IBM 7510251964 – 7510251970)
E-mail string re: MAPI Discussion with Microsoft (Mar. 22, 1995) (IBM 7510251971 – 751025972)
E-mail from Michael Zisman to len kawell and others re: MAPI Discussion with Microsoft (Mar. 15, 1995) (IBM 7510251973 – 7510251974)
E-mail from Barry Briggs to Ray Ozzie and others re: More on MS Exchange (IBM 7510131564)
Letter from Chris Williams to Tim Dempsey (July 21, 1993) (IBM 7510251955 - 7510251956)
“Lotus, Novell say Microsoft is Hiding MAPI Extension,” INFOWORLD, p. 8 (Mar. 13, 1995) (IBM 7510251895)

ISVs irate over private MAPI 1.0 extensions, PC WEEK, p. 8 (Mar. 13, 1995) (IBM 7510251896)
Gordon McLachlan, "Is Windows Open?" LAN COMPUTING, vol. 3, no. 4, p. 3 (Apr. 1992) (IBM 7510251325 – 7510251326)
"Can Microsoft be the once and future king?" PC WEEK (Jun. 15, 1992) (IBM 7510251327 – 7510251328)
Paul Lavin, "Open to question," PC USER (Oct. 7, 1992) (IBM 7510251331 - 7510251334)
Mary Petrosky, "Carving up the enterprise pie," LAN TECHNOLOGY (Feb. 1993) (IBM 7510251339 – 7510251350)
Amy Cortese, "Microsoft goes it alone: standards stance leaves users concerned," PC WEEK (Mar. 29, 1993) (IBM 7510251351 – 7510251352)
Cheryl Gerber, "CMC set to answer call for cross-platform messaging," INFOWORLD (June 21, 1993) (IBM 7510251353)
E-mail string re: personality problem with MAPI (Feb. 19, 1996) (IBM 7510250608 – 7510250610)
E-mail from Barry Briggs re: Exchange Client Extensions and MAPI Extensions (Mar. 20, 1995) (IBM 7510138374 – 7510138377)
E-mail from Rob Shurtleff to Michael Zisman re: MAI Discussion with Microsoft (Mar. 20, 1995) (IBM 7510138378 – 7510138379)
"Mail Developers Link to WFW Delayed" (Dec. 14, 1992) (IBM 7510138380 – 7510138381)
E-mail from Bill Flanagan to Barry Briggs re: Corporate SW and Microsoft (Mar. 1, 1995) (IBM 7510138383)
E-mail string re: Proposed Meeting between Microsoft and Lotus (Mar. 14, 1995) (IBM 7510131531 – 7510131535)
Microsoft Messaging Application Program Overview (MS7058541 – 7058561)
E-mail from Mike Palone to Susan Nesson and others re: MAPI Forum Thread (Oct. 24, 1995) (IBM 7510131539 – 7510131540)
E-mail from Barry Briggs to Michael Zisman and others re: Exchange TR3 announcement (Jan. 4, 1995) (IBM 7510131560 – 7510131561)
E-mail from Brad Silverberg to brianv re: MAPI Update (June 24, 1993) (MS7093119)
Workgroup Technology Overview of Office 95 (MX 1142626 – 1142641)
"MAPI 1.0 Beta Software Developer's Kit Now Available" (MS 5041454 – 5041456)
E-mail from jimall re: Networld trip report (Feb. 19, 1992) (MS 5033637 – 5033639)
<i>Comes v. Microsoft</i> , PX 1602 (MS 5039718 – 5039719)
E-mail from Rich Hume re: A MAPI concern (Mar. 9, 1995) (NOV 00023783)
E-mail from Rob Steele to Dave Miller re: MAPI Issues for GroupWise (Nov. 6, 1995) (NOV 00050916 - 50917)

E-mail series concerning problems with MAPI (NOV00440032 – 440046)
E-mail from Rich Running to John Gailey re: Microsoft Outlook and Proprietary MAPI calls (Nov. 12, 1997) (NOV00687274 – 687277)
Letter to Kenneth W. Gaul from Ryan L. Richards (June 7, 1999) (NOV00440185 – 4400186)
E-mail from Stuart Jensen re: DOJ Inquiry (July 13, 1995) (NOV 00516222 – 516225)
E-mail from Carolyn McClain t re: Microsoft info required by Legal for DOJ – reminder (Apr. 21, 1998) (C-12799)
E-mail from brianrey to David Cole re: Getting non-client metrics from a 16-bit app in Win95 (Apr. 5, 1995) (MSC 00659110 – 00659111)
E-mail from Paul Smart re: DOJ Inquiry (July 13, 1995) (NOV 000546068)
PerfectFit 95 Feature List (NOV-B00150774 - 150778)
Microsoft Questions (NOV-B01426539 - 1426540)
PFPS Perfect Office Print Process (POP) for Windows - Design Document (NOV-B01440385 - 1440415)
PerfectFit Extended Services Group – Status Report for May 1995 (NOV-B01904055 - 01904063)
Chicago Win32 Multiple Print Router Specification – Revision.0.2 (NOV-B00760708 - 00760731)
E-mail from Michael Wynn re: DOJ Inquiry (July 13, 1995) (NOV 000544788 – 544789)
E-mail from Bruce G. Brereton to Ryan Richards re: DOJ Issues (Aug. 28, 1995) (NOV-25-000176-000177)
E-mail from Bruce Tietjen to TC re: DOJ Inquiry (July 13, 1995) (NOV 000599270)
Letter to Jim Manzi from Michael D. Zisman re: Microsoft MAPI (Mar. 23, 1995) (IBM 7510251964 – 7510251974)
Letter to Tim Dempsey from Chris Williams (July 21, 1993) (IBM 7510251955 – 7510251956)
Newspaper Article (Mar. 13, 1995) (IBM 7510251895)
Letter to Anne Bingaman from Dianne Callan (Mar. 24, 1995) (IBM 7510251292- 7510251298)
Messaging in the Operating System – Suzan Fine MAPI Product Manager Microsoft Corporation (IBM 7510251299 – 7510251320)
E-mail from Michael Zisman to Laura Fay, Neal Goldman re: personality problem with MAPI (Feb. 19, 1996) (IBM 7510250608 – 7510250610)
E-mail from Barry Briggs to J re: Exchange Client Extensions and MAPI Extensions (Mar. 20, 1995) (IBM 7510138374 – 7510138377)
E-mail from Rob Shurtleff to Michael Zisman re: MAPI discussion with Microsoft (Mar. 20, 1995) (IBM 7510138378 – 7510138379)
IRG Industry Newswire First! (IBM 7510138380 – 7510138381)

E-mail from Bill Flanagan to Barry Briggs re: Corporate SW and Microsoft (Re: MAPI extensions) (Mar. 1, 1995) (IBM 7510138383)
E-mail from Michael Zisman to Rob Shurtleff re: Proposed Meeting (Mar. 14, 1995) (IBM 7510131531 – 751013152)
E-mail from Michael Zisman to Jim Manzi re: Read before call with Herbold (Mar. 14, 1995) (IBM 7510131533 – 7510131535)
E-mail from Mike Palone to Susan Nesson, Len Kawell, Tom Diaz, Brian Lambert, Peter O’Leary, Tim Halvorsen, Ray Ozzie re: FYI, MAPI Forum Thread (Oct. 24, 1995) (IBM 7510131539 – 7510131540)
E-mail from Barry Briggs to Michael Zisman, Jeffrey Papows, Bill Flanagan, Alex Morrow re: Exchange TR3 announcement (Jan. 24, 1995) (IBM 7510131560- 7510131561)
E-mail from Doug Henrich to Brad Silverberg, Dennis Adler, David Cole re: Capone and Chicago (Sept. 25, 1993) (MS5043511)
E-mail from Michael Zisman to Tom Lemberg re: MAPI Discussion with Microsoft (Mar. 22, 1995) (IBM 7510251971 – 7510251972)
E-mail from Michael Zisman to Len Kawell, Laura Fay, Linda Welsh, Mike Palone, Barry Briggs, Mussie Shore, Ray Ozzie re: MAPI Discussion with Microsoft (IBM 7510251973 – 7510251974)

**Interrogatory No. 11:**

In paragraph 81 of the COMPLAINT, NOVELL contends that MICROSOFT'S alleged misrepresentation that Windows 95 would operate as an exclusively 32-bit operating system “forced Novell to expend considerable time and resources to redesign its applications, significantly delaying their release.” Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

The principal witnesses of whom Novell is presently aware are: Eric Meyers, David Miller, Rob Shurtleff, Tom Evslin, Michael Zisman, Adam Harral, and Greg Richardson.

Messrs. Meyers, Miller, Harral and Richardson should be contacted through Novell's counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through its prior litigation.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 1866 (MS7087824)
<i>Comes v. Microsoft</i> , PX 1865 (MS7087847 - MS7087850)
<i>Comes v. Microsoft</i> , PX 1863 (MS7094240)
<i>Comes v. Microsoft</i> , PX 1862 (MS7094235 - MS7094236)
<i>Comes v. Microsoft</i> , PX 1861 (MS7094221 - MS7094222)
<i>Comes v. Microsoft</i> , PX 1860 (MS7094219 - MS7094220)
<i>Comes v. Microsoft</i> , PX 1840 (MS7087784 - MS7087785)
Dave Edson, <i>A grab bag of gotchas and goodies for programming in Windows 95</i> , MICROSOFT SYSTEMS JOURNAL, May 1, 1995: Vol. 10, No. 5
<i>Windows Dressing?</i> , INFORMATIONWEEK, Oct. 10, 1994, Issue: 496:8

**Interrogatory No. 12:**

In paragraph 83 of the COMPLAINT, NOVELL contends that "Microsoft created and controlled new 'industry' standards and established unjustified certification requirements to delay the release of Novell's applications and to impair their performance for Novell's customers." Identify all witnesses having knowledge of, and all DOCUMENTS that support, refer to, or relate to, this contention.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms "support," "refer to," or "relate to" because those terms are vague and ambiguous. Furthermore, Microsoft is in a better position to know the witnesses and documents pertaining to its decision to insist that the industry adhere to

Microsoft's own standards such as OLE, and its requirement that, to obtain logo certification, ISVs had to create applications that would function with *both* Windows 95 and Windows NT – a requirement that even Microsoft's own applications could not meet.

The principal witnesses of whom Novell is presently aware are: David Bradford, Eric Meyers, Tom Freeman, Mark Calkins, and David Miller. These witnesses should be contacted through Novell's counsel, DICKSTEIN SHAPIRO LLP.

Microsoft is already aware of many of the documents listed below through its prior litigation.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , PX 2250 (NL2 0000140 - NL2 0000142)
<i>Comes v. Microsoft</i> , PX 2363 (NL2 0000578)
<i>Comes v. Microsoft</i> , PX 10,012 (NWP00038995 - NWP00038999)
<i>Comes v. Microsoft</i> , PX 2141
<i>Comes v. Microsoft</i> , PX 1602 (MS 5039718 – 5039719)
<i>Comes v. Microsoft</i> , PX 1840 (MS7087784 - MS7087785)
<i>Comes v. Microsoft</i> , PX 10,012 (NWP00038995)
<i>Comes v. Microsoft</i> , PX 3722 (MS-PCA 1102674 – 1102675)
Microsoft I-V Cases, J.C.C.P No. 4106, Investigative Report of David Martin prepared for Evan Ivie, Superior Court of the State of California for the City and County of San Francisco.
Don Clark, <i>Microsoft's Chicago Will Be Rolled Out As Windows95 in '95</i> , <i>The Wall Street Journal Europe</i> , Sept. 9, 1994.
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<i>Comes v. Microsoft</i> , No. CL82311, Technical Expert Report of Andrew Schulman, June 02, 2006, Iowa District Court for Polk County.
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E-mail from Mark Calkins to Brad Silverberg and Brad Chase re: Windows 95 Logo Program Requirements (Mar. 6, 1995) (NOV 00539217 – 539219)
Workgroup Technology Overview of Office 95 (MX 1142626 – 1142641)
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E-mail string re: Proposed Meeting between Microsoft and Lotus (Mar. 14, 1995) (IBM 7510131531 – 7510131535)
E-mail string re: personality problem with MAPI (Feb. 19, 1996) (IBM 7510250608 – 7510250610)
E-mail from Michael Zisman to len kawell and others re: MAPI Discussion with Microsoft (Mar. 15, 1995) (IBM 7510251973 – 7510251974)
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E-mail from Brad Silverberg to brianv re: MAPI Update (June 24, 1993) (MS7093119)
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Memorandum from Michael D. Zisman to Jim Manzi re: Microsoft MAPI (Mar. 23, 1995) (IBM 7510251964 – 7510251970)
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E-mail from Rich Running to John Gailey re: Microsoft Outlook and Proprietary MAPI calls (Nov. 12, 1997) (NOV00687274 – 687277)
Letter to Kenneth W. Gaul from Ryan L. Richards (June 7, 1999) (NOV00440185 – 4400186)
E-mail from Deborah Epstein-Celis to Brad Chase, Brad Silverberg, David Williams, Doug Henrich, Roger Weed, Colleen Lacter re: PLZ Review: Announcing the Logo test lab (Dec. 5, 1994) (MX 7154964)
Memo to Brad Chase, Doug Henrich, Colleen Lacter, Rogers Weed, Brad Silverberg David Williams from Deborah Epstein re: Plan for publicizing the selection of Logo Test lab, Announcement of fee (Dec. 5, 1994) (MX 7154965 – 7154977)



E-mail from Brad Silverberg to Personal Systems Group Communications re: Its official: Windows 95! (Sept. 8, 1994) (MS-PCA 1122124 – 1122130)
E-mail from Michael Zisman to Rob Shurtleff re: Proposed Meeting (Mar. 14, 1995) (IBM 7510131531 – 7510131532)
E-mail from Tom Davis to OEM LA and SP Teams re: FW: WinNews volume 1, #2 (Oct. 18, 1994) (M 1022647 – 1022653)
Chicago “First Wave” Support (MS 0119720 – 0119721)
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Designed for Microsoft – Windows NT and Windows 95 – Logo Handbook for Software Applications – (Aug. 14, 1997) (IBM 7510215430 – 7510215485)
Designed for Microsoft – Windows NT and Windows 95 – Logo Handbook for Software Applications – (Mar. 3, 1998) (MS-PCA 1034333 – 1034388)
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Microsoft Windows Logo Research (February, 1993) (MSC 00114461.01 - 00114461.55)
E-mail from Jon De Vaan to re: Notes from 3/6/ shell '96 meeting (Mar. 10, 1995) (MS-PCA 1405389 – 1405391)
Windows Logo Programs (Aug. 28th & 29th, 1996) (DELL00868 – 873)
Windows 95 Logo Program for PC Hardware Vendors Backgrounder (Nov. 17, 1994) (MX 1394816 – 1394828)
Questions and Answers: The Transition in the Windows Logo Program (MX 1394829 – 1394832)
Windows 95 Logo Program for PC System Manufacturers Backgrounder (Aug. 1994) (M 1020718 – 1020728)
E-mail from Jonathan Lazarus re: Windows Logo.– 1st Anniversary (Apr. 7, 1993) (MS 5045670)
E-mail from bradc re: Windows 95 Logo Program Requirements (Apr. 3, 1995) (MSC 00700613 – 700618)
How to Adapt an App for Chicago (NOV-B00745426 – 745428)
Diving into the New Windows Logo Requirements (NOV-B00932343 – 932354)
Letter to Brad Silverberg and Brad Chase (NOV-B01152591 – 11522600)
Windows 95 Logo Update (Jan. 1995) (NOV-B01644647 – 1644651)
Letter to Windows Developers (July 6, 1994) (NOV-B01644690 – 1644704)

**Interrogatory No. 13:**

In paragraph 117 of the COMPLAINT, NOVELL contends that “Microsoft refused or threatened to refuse to grant OEMs licenses for Windows if the OEMs

distributed non-Microsoft office productivity applications.” Identify all OEMs to which this contention refers, all witnesses having knowledge of this contention and for each such OEM state the basis for NOVELL’S belief that the contention is true.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

Microsoft is in a better position to know the details of its decisions to link PC operating system licenses and related benefits to OEM’s exclusive bundling of and other support for Microsoft’s applications. For example, Microsoft knows that its executives told IBM that Bill Gates might “relent in his reluctance to cooperate with their company if IBM moderated its support for Notes and SmartSuite.” Findings of Fact ¶ 129. This conduct is consistent with the pressure that Microsoft brought to bear on OEMs that resisted Microsoft’s insistence that they provide only Internet Explorer. *See, e.g.*, Findings of Fact ¶¶ 155-60; *see also* undated Memo re Zeos representative, stating that “MS gives them a discount if they agree not to bundle other suites, so they won’t be bundling other suites.” Undated Memorandum, Bates No. NL20000096.

The responsive OEMs of which Novell is aware include IBM, Gateway, Acer, Fountain Technologies, Fujitsu, Digital Equipment Corporation, Toshiba, Zeos, Compaq, and Vobis Microcomputer. The principal witnesses of whom Novell is presently aware are: Bill Gates, Joachim Kempin, Theodor Lieven, and Gary Norris.

The basis for Novell’s belief in the truthfulness of the contention is derived from the documents listed below, all of which Microsoft is aware of through prior litigation.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , Expert Report of Jeffrey K. MacKie Mason (“Mason Rep.”), June 02, 2006, Iowa District Court for Polk County
<i>Comes v. Microsoft</i> , No. CL82311, Decl. of Roger G. Noll (“Noll Decl.”), June 02, 2006, Iowa District Court for Polk County
<i>In re Microsoft Corp. Antitrust Litigation</i> , MDL Docket No. 1332, The Economics of Microsoft, Professor Joseph E. Stiglitz (“Stiglitz Rep.”), August 26, 2002, D. Md.
<i>In re Microsoft Corp. Antitrust Litigation</i> , MDL Docket No. 1332, Liability Report of Frederick R. Warren-Boulton (“Warren-Boulton Rep.”), August 26, 2002, D. Md.
Findings of Fact, <i>United States v. Microsoft</i> , 84 F. Supp. 2d 9 (D.D.C. 1999)
<i>Comes v. Microsoft</i> , PX 1342 (MS00000138368 - MS00000138378)
<i>Comes v. Microsoft</i> , PX 3209 (MX00002324922 - MX00002324926)
<i>Comes v. Microsoft</i> , PX 1140 (MS00005034474 - MS00005034475)
Deposition of Peter Higgins (“Higgins Dep.”), July 24, 2001, J.C.C.P No. 4106, Superior Court of the State of California for the City and County of San Francisco
Deposition of Celeste Dunn (“Dunn Dep.”), October 23, 1998, J.C.C.P No. 4106, Superior Court of the State of California for the City and County of San Francisco
Deposition of Michael Culver (“Culver Dep.”), J.C.C.P No. 4106, Superior Court of the State of California for the City and County of San Francisco
<i>U.S. v. Microsoft</i> , Gary Norris, June 07 1999, AM Session, <i>see</i> 30:20-31:6, 43:3-8, 51:10-56:4, 60:10-61:5 (D.D.C. 1999)
<i>Comes v. Microsoft</i> , PX 2668 (IBM7510250612 - IBM7510250621)
<i>Comes v. Microsoft</i> , PX 1357 (MS-PCA01314021 – MS-PCA01314027)
<i>Comes v. Microsoft</i> , PX 3798 (FLAG000031290 - FLAG000031293)
<i>Comes v. Microsoft</i> , PX 2481 (IBM 7510295322 - IBM 7510295323)
<i>Comes v. Microsoft</i> , PX 1611 (MS-PCA 2167359 – MS-PCA 2167363)
<i>Comes v. Microsoft</i> , PX 1679 (MS 0178202 – MS 0178257)
<i>Comes v. Microsoft</i> , PX 6133 (ACER 002986 – ACER 002987)
<i>Comes v. Microsoft</i> , PX 6131 (ACER 002979 - ACER 002985)
<i>Comes v. Microsoft</i> , PX 6141 (ACER 002915)
<i>Comes v. Microsoft</i> , PX 119 (X 165418 - X 165419)
<i>Comes v. Microsoft</i> , PX 3034 (MS-PCA 1024299 - MS-PCA 1024301)
<i>Comes v. Microsoft</i> , PX 2623 (IBM 7510250617)
<i>Comes v. Microsoft</i> , PX 2058 (MX 7163499)

<i>Comes v. Microsoft</i> , PX 2105 (MX 5043442)
<i>Comes v. Microsoft</i> , PX 2361 (IBM 92198)
<i>Comes v. Microsoft</i> , PX 9624 (MS-PCA 2610349 - MS-PCA 2610350)
<i>Comes v. Microsoft</i> , PX 2376 (IBM 92185)
<i>Comes v. Microsoft</i> , PX 2385 (IBM 0410334637 - IBM 0410334639)
<i>Comes v. Microsoft</i> , PX 2390 (IBM 92156)
<i>Comes v. Microsoft</i> , PX 2286 (IBM 0410334633 - IBM 0410334634)

**Interrogatory No. 14:**

In paragraph 118 of the COMPLAINT, NOVELL contends that “Microsoft also increased or threatened to increase the price of Windows and/or took or threatened to take other retaliatory action against OEMs who distributed non-Microsoft applications.” Identify all OEMs to which this contention refers, all witnesses having knowledge of this contention and for each such OEM state the basis for NOVELL’S belief that the contention is true.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

Microsoft is in a better position to know the details of its decisions to link PC operating system licenses and related benefits to OEM’s exclusive bundling of and other support for Microsoft’s applications. For example, Microsoft knows that its executives told IBM that Bill Gates might “relent in his reluctance to cooperate with their company if IBM moderated its support for Notes and SmartSuite.” Findings of Fact ¶ 129. This conduct is consistent with the pressure that Microsoft brought to bear on OEMs that resisted Microsoft’s insistence that they provide only Internet Explorer. *See, e.g.* Findings of Fact ¶¶ 155-60; *see also* undated Memo re

Zeos representative, stating that “MS gives them a discount if they agree not to bundle other suites, so they won’t be bundling other suites.” Undated Memorandum, Bates No. NL20000096.

The responsive OEMs of which Novell is aware include IBM, Gateway, Acer, Fountain Technologies, Fujitsu, Digital Equipment Corporation, Toshiba, Zeos, Compaq, and Vobis Microcomputer. The principal witnesses of whom Novell is presently aware are: Bill Gates, Joachim Kempin, Theodor Lieven, and Gary Norris.

The basis for Novell’s belief in the truthfulness of the contention is derived from the documents listed below, all of which Microsoft is aware of through prior litigation.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , No. CL82311, Expert Report of Jeffrey K. MacKie Mason, June 02, 2006, Iowa District Court for Polk County
Noll Decl.
Stiglitz Decl.
Warren-Boulton Rep.
<i>Comes v. Microsoft</i> , PX 1342 (MS00000138368 - MS00000138378)
<i>Comes v. Microsoft</i> , PX 3209 (MX00002324922 - MX00002324926)
<i>Comes v. Microsoft</i> , PX 1140 (MS00005034474 - MS00005034475)
Higgins Dep.
Findings of Fact, <i>United States v. Microsoft</i> , 84 F. Supp. 2d 9 (D.D.C. 1999)
<i>Comes v. Microsoft</i> , PX 2668 (IBM7510250612 - IBM7510250621)
Dunn Dep.
Culver Dep.
<i>Comes v. Microsoft</i> , PX 1357 (MS-PCA01314021 – MS-PCA01314027)
<i>Comes v. Microsoft</i> , PX 3798 (FLAG000031290 - FLAG000031293)
Declaration of Thomas W. Ruff, October 21, 1992, (IBM7510250320 - IBM7510250322)
Affidavit of Said Mohammadioun, October 21, 1992 (IBM 7510250310)
<i>Comes v. Microsoft</i> , PX 1611 (MS-PCA 2167359 – MS-PCA 2167363)
<i>Comes v. Microsoft</i> , PX 2481 (IBM 7510295322 - IBM 7510295323)
<i>U.S. v. Microsoft</i> , No. 98-1232, Gary Norris, June 07 1999, AM Session, 30:20-31:6, 43:3-8, 51:10-56:4, 60:10-61:5 (D.D.C. 1999)

<i>Comes v. Microsoft</i> , PX 1679 (MS 0178202 – MS 0178257)
<i>Comes v. Microsoft</i> , PX 6133 (ACER 002986 – ACER 002987)
<i>Comes v. Microsoft</i> , PX 6131 (ACER 002979 - ACER 002985)
<i>Comes v. Microsoft</i> , PX 6141 (ACER 002915)
<i>Comes v. Microsoft</i> , PX 119 (X 165418 - X 165419)
<i>Comes v. Microsoft</i> , PX 3034 (MS-PCA 1024299 - MS-PCA 1024301)
<i>Comes v. Microsoft</i> , PX 2623 (IBM 7510250617)

**Interrogatory No. 15:**

In paragraph 120 of the COMPLAINT, NOVELL contends that “[t]he express terms of Microsoft’s ‘Distributor Licenses’ intimidated and punished distributors who sold competing office productivity applications, such as WordPerfect, while providing financial rewards to distributors who exclusively sold Microsoft Office.” Identify all distributors to which this contention refers, all witnesses having knowledge of this contention and for each such distributor state the basis for NOVELL’S belief that the contention is true.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

Microsoft is in a better position to know the details of its distributor agreements and licenses, and its behavior towards those distributors that sold competing office productivity applications. The distributors of which Novell is aware include: Microage Computer Centers, Inc.; Tech Data Product Management, Inc.; Inacom; Samna; 800 Software; CDW Computer Center Inc.; CompUSA Inc.; Dell Computer Corporation; Egghead; Micro Center; Micro Warehouse Inc.; and Softmart.

The basis for Novell's belief in the truthfulness of the contention is derived from the documents listed below, all of which Microsoft is aware of through prior litigation.

**Relevant Documents Include:**

Warren-Boulton Rep.
Affidavit of Said Mohammadioun, October 21, 1992 (IBM 7510250310)
Declaration of Thomas W. Ruff, October 21, 1992, (IBM7510250320 - IBM7510250322)
Office Drive/Incremental Share Program (MX 2325689 – 2325691)
E-mail from Amy Harry to Thomas Koedding re: Jan/June Goals (Feb. 14, 1994) (MS-PCA 1598095 – 15980107)
Direct Marketing/Mail Order Segment Overview (MS-PCA 1630238 – 1630243)
E-mail from Michael Herbert to Bill Gates, David Danford, Hank Vigil; Jeff Raikes, Jeff Sanderson, John Neilson, Mike Maples, Pete Higgins, Steve Ballmer re: Avalanche Update: Draft of Plan Details (Nov. 22, 1994) (FL AG 0100492-0100519)
Desktop Application Division OEM Plan (Feb. 18, 1995) (MX 9081601 – 9081604)
Memo re: January/June 1994 Reseller purchasing and marketing fund policies (Jan. 18, 1994) (MSC 00814090 – 00814098)

**Interrogatory No. 16:**

In paragraph 127 of the COMPLAINT, NOVELL contends that "Microsoft also withheld or threatened to withhold Market Development Funds ('MDFs') from OEMs that sold applications competing with Microsoft's applications." Identify all OEMs to which this contention refers, all witnesses having knowledge of this contention and for each such OEM state the basis for NOVELL'S belief that the contention is true.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms "support," "refer to," or "relate to" because those terms are vague and ambiguous.

Microsoft is in a better position to know the details of its decisions to link PC operating system licenses and related benefits to OEM’s exclusive bundling of and other support for Microsoft’s applications. For example, Microsoft knows that its executives told IBM that Bill Gates might “relent in his reluctance to cooperate with their company if IBM moderated its support for Notes and SmartSuite.” Findings of Fact ¶ 129. This conduct is consistent with the pressure that Microsoft brought to bear on OEMs that resisted Microsoft’s insistence that they provide only Internet Explorer. *See, e.g.*, Findings of Fact ¶¶ 155-60; *see also* undated Memo re Zeos representative, stating that “MS gives them a discount if they agree not to bundle other suites, so they won’t be bundling other suites.” Undated Memorandum, Bates No. NL20000096.

The responsive OEMs of which Novell is aware include IBM, Gateway, Acer, Fountain Technologies, Fujitsu, Digital Equipment Corporation, Toshiba, Zeos, Compaq, and Vobis Microcomputer. The principal witnesses of whom Novell is presently aware are: Bill Gates, Joachim Kempin, Theodor Lieven, and Gary Norris.

**Relevant Documents Include:**

<i>Comes v. Microsoft</i> , No. CL82311, Expert Report of Jeffrey K. MacKie Mason, June 02, 2006, Iowa District Court for Polk County
Noll Decl.
Stiglitz Decl.
Warren-Boulton Rep.
<i>Comes v. Microsoft</i> , PX 1342 (MS00000138368 - MS00000138378)
<i>Comes v. Microsoft</i> , PX 3209 (MX00002324922 - MX00002324926)
<i>Comes v. Microsoft</i> , PX 1140 (MS00005034474 - MS00005034475)
Higgins Dep.
Findings of Fact, <i>United States v. Microsoft</i> , 84 F. Supp. 2d 9 (D.D.C. 1999)
<i>Comes v. Microsoft</i> , PX 2668 (IBM7510250612 - IBM7510250621)
Dunn Dep.
Culver Dep.
<i>Comes v. Microsoft</i> , PX 1357 (MS-PCA01314021 – MS-PCA01314027)



<i>Comes v. Microsoft</i> , PX 3798 (FLAG000031290 - FLAG000031293)
Declaration of Thomas W. Ruff, October 21, 1992, (IBM7510250320 - IBM7510250322)
Affidavit of Said Mohammadioun, October 21, 1992 (IBM 7510250310)
<i>Comes v. Microsoft</i> , PX 1611 (MS-PCA 2167359 – MS-PCA 2167363)
<i>Comes v. Microsoft</i> , PX 2481 (IBM 7510295322 - IBM 7510295323)
<i>U.S. v. Microsoft</i> , No. 98-1232, Gary Norris, June 07 1999, AM Session, 30:20-31:6, 43:3-8, 51:10-56:4, 60:10-61:5 (D.D.C. 1999)
<i>Comes v. Microsoft</i> , PX 1679 (MS 0178202 – MS 0178257)
<i>Comes v. Microsoft</i> , PX 6133 (ACER 002986 – ACER 002987)
<i>Comes v. Microsoft</i> , PX 6131 (ACER 002979 - ACER 002985)
<i>Comes v. Microsoft</i> , PX 6141 (ACER 002915)
<i>Comes v. Microsoft</i> , PX 119 (X 165418 - X 165419)
<i>Comes v. Microsoft</i> , PX 3034 (MS-PCA 1024299 - MS-PCA 1024301)
<i>Comes v. Microsoft</i> , PX 2623 (IBM 7510250617)

**Interrogatory No. 17:**

In paragraph 133 of the COMPLAINT, NOVELL contends that “Microsoft engaged in predatory behavior” in the following distribution channels: independent retailers that sell to individuals and small businesses; independent or loosely affiliated resellers that sell to larger organizations, including government agencies, larger businesses and professional associations; and direct sales to government agencies, large corporations, and other large organizations. Identify all entities engaged in the sale of software to which this contention refers, all witnesses having knowledge of this contention and for each such entity state the basis for NOVELL’S belief that the contention is true.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and premature. Novell will identify its trial witnesses and exhibits at the time specified by the court. Discovery is ongoing; Novell reserves the right to supplement, clarify, or modify its responses to this and other Interrogatories to the extent it identifies or discovers additional responsive information. Novell also objects to the use of the terms “support,” “refer to,” or “relate to” because those terms are vague and ambiguous.

Microsoft is in a better position to know the details of its distributor agreements and licenses, and its behavior towards those distributors that sold competing office productivity applications. Distributors of which Novell is aware include: 800 Software, CDW Computer Center Inc., CompUSA Inc., Dell Computer Corporation, Egghead, Micro Center, Micro Warehouse Inc., and Softmart. The direct customers include many of the largest New York law firms, which switched from Word Perfect applications to Microsoft Office when it was negatively priced in connection with licenses for Windows95. Novell has not yet identified any specific resellers, but the basis for Novell's belief in the truthfulness of the contention is derived from the documents listed below, all of which Microsoft is aware of through prior litigation.

**Relevant Documents Include:**

Warren-Boulton Rep.
Affidavit of Said Mohammadioun, October 21, 1992 (IBM 7510250310)
Declaration of Thomas W. Ruff, October 21, 1992, (IBM7510250320 - IBM7510250322)
Office Drive/Incremental Share Program (MX 2325689 – 2325691)
E-mail from Amy Harry to Thomas Koedding re: Jan/June Goals (Feb. 14, 1994) (MS-PCA 1598095 – 15980107)
Direct Marketing/Mail Order Segment Overview (MS-PCA 1630238 – 1630243)
E-mail from Michael Herbert t re: Avalanche Update: Draft of Plan Details (Nov. 22, 1994) (FL AG 0100492-0100519)
Desktop Application Division OEM Plan (Feb. 18, 1995) (MX 9081601 – 9081604)
Memo from Mike Rhamy, Amy Harry, Trish Keaton, Geoff Saunders, Arlene Yanow, Channel Policies Group to NDAM's RAX's; DM's GM's re: January/June 1994 Reseller purchasing and marketing fund policies – Key changes memo – final program roll out (Jan. 18, 1994) (MSC 00814090 – 00814098)

**Interrogatory No. 18:**

Identify each PERSON who knows facts or possesses DOCUMENTS or other information relevant to NOVELL'S efforts to preserve, collect and retain DOCUMENTS relevant to any of NOVELL'S claims or allegations in this action, or to any of the defenses raised by MICROSOFT, and with respect to each PERSON so identified, describe the relevant knowledge or DOCUMENTS that he or she possesses.

**Response:**

Novell objects to this Interrogatory because it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Novell also objects to this interrogatory to the extent it seeks to identify information protected by the attorney-client privilege or work product immunity. Novell's inside counsel, Jim Lundberg, and outside counsel, Dickstein Shapiro, LLP, have relevant knowledge that is protected from disclosure by privilege.

In addition, Jerry Laughter, Novell's Corporate Records manager, has non-privileged knowledge of Novell's search of archived records relevant to Novell's claims. Novell's document retention policies, which will be produced, are also responsive to this interrogatory.

**Interrogatory No. 19:**

Identify every present or former employee of MICROSOFT with whom NOVELL, its counsel or any other person acting on behalf of NOVELL or its counsel has communicated concerning the subject matter of this action.

**Response:**

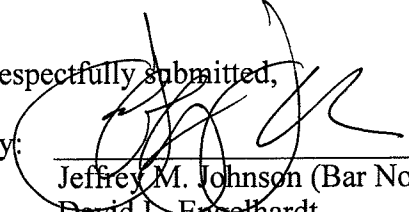
Novell objects to this Interrogatory as it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. There are innumerable present and former employees of Novell who have conversed with present or former employees of Microsoft over the course of several years regarding the vast subject matter of this action. The objectionable scope of this Interrogatory would include any and all communications between present or former employees of Novell and Microsoft regarding office-productivity applications, API's, betas, etc., whether or not such communications refer or relate to any alleged bad acts. Novell further objects to this Interrogatory to the extent it calls for Novell to reveal privileged attorney-client communications.

Novell reserves the right to amend and/or supplement its responses to each Interrogatory with additional information obtained through discovery or otherwise, to the extent permitted and/or required by the Federal Rules and the Local Rules.

Dated: January 28, 2009

Respectfully submitted,

By:



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