

Exhibit 17

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION

This Document Relates to:
Novell, Inc. v. Microsoft Corporation

Civil Action
No. JFM-05-1087

DEPOSITION OF:
SATOSHI NAKAJIMA

February 24, 2009

9:08 a.m.

VIDEOTAPED DEPOSITION BEFORE

JUDY BONICELLI, at K & L/Gates, 975 Fourth
Avenue, Suite 2900, Seattle, Washington, on
February 24, 2009, commencing at 9:08 in the
morning, pursuant to notice.

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1 A P P E A R A N C E S:

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12 Attorneys for Novell

13 SULLIVAN & CROMWELL LLP

14 BY: STEVEN HOWLEY, ESQ.

15 125 Broad Street

16 New York, New York 10004-2498

17 Attorneys for Microsoft

18 Also present: Joseph Albanese, Videographer

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1 record, please?

2 THE VIDEOGRAPHER: We're off the
3 record at 1:04 p.m.

4 (Off the record.)

5 THE VIDEOGRAPHER: We're back on
6 the record at 1:08 p.m.

7 BY MR. JACOBS:

8 Q Before we went off the record we
9 were talking about amount of time that you
10 estimate went into developing namespace
11 extensions, and I was wondering if you could
12 provide any sort of estimate in terms of the
13 number of lines of code that may have been in the
14 namespace extension mechanism.

15 A Yes, that's a difficult question too.
16 Probably a couple thousand lines of code, a
17 little bit more, and also, it's all integrated
18 into one big book of code so it's not -- it's not
19 a separate component. It's very actually
20 difficult to estimate.

21 Q Had you -- in connection with
22 testing of the namespace extensions, had you
23 collected crash statistics of any sort?

24 A No, I don't think so.

25 Q Do drivers generally run in the

1 same process as the Explorer?

2 MR. HOWLEY: Object to the form of
3 the question.

4 THE WITNESS: You mean the driver,
5 meaning the device driver?

6 BY MR. JACOBS:

7 Q Correct.

8 A Gee, I don't know. I know the driver runs
9 in the ring zero which is a much slower level of
10 the operating system, but I don't know if that is
11 the same process as application or it's in a
12 different process. I think it really depends on
13 the operating system.

14 Q But a faulty device driver, when it
15 fails, it could bring down the system, correct?

16 A Yes. In that case the issue is much more
17 severe. The entire system goes down, not just
18 the shell.

19 Q Did you ever do any sort of
20 comparison between driver failure rates and
21 failure rates that might be connected to
22 namespace extensions?

23 A No.

24 Q Did you have any sort of formal
25 test plan for the namespace extension mechanisms?

1 MR. HOWLEY: Objection, asked and
2 answered.

3 THE WITNESS: Do we have...?

4 BY MR. JACOBS:

5 Q Did you implement any sort of
6 formal test plan?

7 A No.

8 Q By around September, October of
9 1994, did you believe you had identified any
10 major defects in namespace extensions?

11 A No.

12 (Exhibit No. 12 was marked.)

13 BY MR. JACOBS:

14 Q The court reporter has handed you
15 Exhibit 12, which I represent to you is a
16 printout of shell shlobj.h file from
17 October 28th, 1994, prerelease SDK, and I cannot
18 find any reference to IShellBrowser, IShellView,
19 IPersistFolder, ICommDigBrowser, the four
20 interfaces mentioned in Exhibit 11 as happened to
21 become private. Would that be consistent with
22 having carried out the making those interfaces
23 internal?

24 MR. HOWLEY: Object to the form of
25 the question.

1 THE WITNESS: Is it consistent?

2 BY MR. JACOBS:

3 Q If there is no reference to
4 IShellBrowser, IShellView, IPersistFolder,
5 ICommDigBrowser in Exhibit 12 here, would that
6 suggest that they in fact had become private?

7 A Yeah -- so, yeah, if you're saying that
8 the fact that the IShellView, for example, is not
9 visible on Exhibit 12 while it is visible on
10 Exhibit 6 indicated that we removed it or maybe I
11 removed it, based on that decision, seems like
12 that is what happened, yes. Okay?

13 Q Okay. By around October of 1994 or
14 so, are you aware of whether any additional
15 documentation beyond the -- I'm sorry, let me
16 strike that. Let me start over.

17 Do you recall when we talked about
18 this slim documents?

19 A Uh-huh.

20 Q Are you aware of any further
21 documentation of the namespace extensions that
22 would have been written between January of 1994,
23 which is the date of the earlier exhibit we saw
24 referencing the slim document, and October of
25 1994?

1 A I don't remember. I really don't
2 remember.

3 Q Fair enough. But it's possible
4 that somebody else may have written
5 documentation?

6 A Uh-huh, possible, or even somebody even
7 touched this document to make it more readable.
8 There is no -- I don't remember if I wrote the
9 whole thing or I got some help. I don't
10 remember.

11 Q Thanks. I think that's all I have
12 on Exhibit 12.

13 A Okay.

14 Q Have you ever heard the term B list
15 API?

16 A Uh-huh.

17 Q What is your understanding of that
18 term?

19 A B list is the API -- yes, some kind of API
20 that is not public but -- well, maybe sort of
21 semi public but not fully supported or something
22 like that. I don't remember the detail, but
23 something between publicly available API, which
24 Microsoft is 100 percent behind, versus
25 completely not behind or something in between.

1 Q Do you have any recollection of how
2 -- whether information with respect to B list
3 APIs would be provided to outside developers?

4 A That's a tough one. I don't remember.
5 That was such a sort of a subtle thing, "subtle"
6 meaning I think some kind of a reactive decision.
7 I don't remember.

8 THE REPORTER: Reactive what?

9 THE WITNESS: Reactive decision.

10 MR. MARTIN: Decision.

11 THE WITNESS: Decision, yeah. I
12 don't remember. Yeah, only thing I
13 remember was sort of -- that was such a
14 compromise. That's the only thing I
15 remember, but not clear.

16 I think it was even not clear to me
17 probably at that time, so after 15 years
18 it completely evaporated. I just remember
19 the name B list.

20 BY MR. JACOBS:

21 Q When you say "compromise," what are
22 you referring to?

23 A Meaning I think completely hiding. Once
24 we decided to -- not to publicize, then almost
25 like treating it as if it doesn't exist is the