

Exhibit 20

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

MDL Docket No. 1332

DEPOSITION OF JOHN BENNETT, Ph.D., P.E.

August 31, 2009

NOVELL, INC.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

APPEARANCES:

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and

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Appearing on behalf of Defendant.

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1 I have cited Kliger and Creighton in support of that
2 fact.

3 Q Well, time permitting, we might find Moon.

4 Since you have pointed out and, properly so,
5 your reference is to Creighton and Kliger, you quote
6 here Mr. Creighton for the proposition that Microsoft
7 provided support to WordPerfect software developers
8 considered comparable to support offered to other
9 vendors.

10 Do you continue to believe that to be
11 accurate?

12 A Yes, I do. I mean, let us go to these
13 depositions.

14 Q Let me just ask first, didn't Mr. Creighton
15 specifically offer an exception to his statement about
16 support comparable to what is given to other vendors.

17 Didn't he specifically except out the
18 namespace extensions?

19 A That is why I want to go to the deposition
20 and look at what he said.

21 Q My question is very simple: Do you recall
22 that?

23 A I did not memorize his testimony. I would
24 like to look at that if you want to ask me a question
25 about it.

1 Q Wouldn't it be crucial to know that before
2 citing him here for the proposition that Microsoft
3 provided support to WordPerfect software developers
4 considered comparable to support offered to other
5 vendors?

6 A As I have stated a couple of times, let us
7 go look at the deposition testimony and I will be happy
8 to refresh my memory.

9 Q Let us turn a moment to Mr. Kliger.

10 A Is it Kliger (pronouncing)?

11 Q I just did it your way. One of us is right
12 I am sure.

13 In the testimony you cite of Mr. Kliger in
14 support of the proposition that Microsoft provided
15 support to WordPerfect software developers considered
16 comparable to support offered to other vendors, didn't
17 he specifically limit his testimony to his ability to do
18 his own job?

19 A Again, I would like to go look at the
20 testimony to -- I mean, I tried throughout my report to
21 offer meaningful citation to statements that I make.
22 Let us go look at it and see if I managed to do that.

23 Q Well, Alex will dig that out, if he can.

24 You don't have recollection of the testimony
25 you cite; is that what you are telling me?

1 A I am telling you that I did not memorize.
2 all of the testimony.

3 Q No one expects you to.

4 Wouldn't that be a very material point in
5 the testimony if Mr. Kliger, for instance, were to limit
6 his statement about the adequacy of Microsoft support to
7 his own ability to do his own work?

8 A I guess I want to go and see what he said.

9 Q My question is, would it be material?

10 MR. HOLLEY: I object to the form of the
11 question.

12 A As I have testified, I endeavor to provide
13 meaningful citations as for all the statements that I
14 have made. I believe these are meaningful. To answer
15 with any more specificity we need to go look at the
16 testimony.

17 Q (BY MR. ENGELHARDT) With respect to anyone
18 that you cite for the proposition Microsoft provided
19 support to WordPerfect software developers considered
20 comparable to support offered to other vendors, would it
21 be material to know whether that witness made an
22 exception for the namespace extensions that we have been
23 discussing today?

24 A I don't know. I would want to see what he
25 said. You brought up Mr. Moon to start with. I think

1 this statement in the middle of page 66 is consistent
2 with what Mr. Moon, the chief technology officer of
3 WordPerfect, I believe he said something similar to
4 that in his public statement on the subject.

5 Q Let me read some of Mr. Creighton's
6 testimony to you. This actually begins with the next
7 line after the last line in your citation. You cite
8 page 84, line 1 through, page 85, line 16. Beginning on
9 page 75, line 17, Mr. Creighton is asked "And did you
10 share the view that Microsoft had worked closely with
11 WordPerfect to be responsive to WordPerfect's concerns
12 and questions? Yes, he answers. There was the issue of
13 the namespace extension, but I don't remember precisely
14 how that unfolded. So I am going to hesitate on that
15 one. But I think in general that that's the case.

16 Why did you not include that testimony
17 within your citation?

18 A Can I see what I did cite so that we can --
19 I mean, you have the benefit of having the testimony in
20 front of you and I do not.

21 MR. HOLLEY: Let us mark the Creighton
22 deposition as our next exhibit. I will even go in and
23 dog ear the page where your citation begins so you can
24 see it.

25 (Exhibit 12 marked.)

1 A Give me a moment to refresh my memory, if I
2 could.

3 Q (BY MR. ENGELHARDT) Sure.

4 A This testimony is referring to Mr. Moon's
5 statement. It states, the quote states in part, "It is
6 incorrect to paint WordPerfect Corporation as being
7 overly concerned or complaining about the use of
8 undocumented calls or operating system knowledge by
9 Microsoft developers. We recognize that there is no
10 "Chinese wall" -- that has been made very clearly by
11 Microsoft -- it is simply a fact of life that MS
12 develops operating systems and the applications that
13 run on them and that there will always be some benefit
14 to them from that. We did not whine about this or
15 worry about it." Did you ever hear Mr. Moon expressing
16 this view?

17 Answer. I don't remember him expressing it,
18 which doesn't surprise me, because -- but I don't
19 recall.

20 Question. Why doesn't it surprise you?

21 Answer. Because I think that most people in
22 the development community at WordPerfect would have
23 basically said the same thing.

24 Question. He goes on to state, "We have
25 enjoyed a very good relationship with the Microsoft

1 systems development group and appreciate the service and
2 support they give to us. Rich is correct when he says
3 that they have worked closely with us and that they try
4 very hard to be responsive to concerns or questions we
5 have. Particularly lately, they have tried very hard to
6 provide information about operating system
7 functionality, APIs, and designs in a timely and
8 forthright way.

9 Did you ever hear Mr. Moon expressing this
10 view?

11 Answer. I don't remember him expressing
12 that view.

13 Did you share that view? Yes. So you
14 shared -- did you share the view that Microsoft tried
15 hard, very hard to provide information about operating
16 systems functionality, APIs, and design? Yes. In a
17 timely and forthright way? Answer. As far as I knew.

18 That I think is directly supportive of the
19 point that I make. You read going on, and did you
20 share -- well, you have already read it into the record.
21 I will not read it again.

22 What Mr. Creighton says in answer to the
23 question whether or not Microsoft worked closely to be
24 responsive to WordPerfect's concerns and questions, he
25 said yes. There was the issue of the namespace