

PLAINTIFF'S EXHIBIT
1424
Comes v. Microsoft

From umbertop Fri Sep 4 16:04:59 1992
To: stefanir
Cc: daidev lucar umbertop
Subject: RE: VOBIS in Italy
Date: Thu Sep 10 18:35:00 PDT 1992

X-MSMail-Message-ID: D47CDA7F
X-MSMail-Conversation-ID: D47CDA7F
X-MSMail-WiseRemark: Microsoft Mail -- 3.0.729
From: Umberto Paolucci <umbertop@microsoft.com>
Date: Fri, 4 Sep 92 16:59:53 PDT

I tried to call you with daidev, but you were not in. What we proposed was W/B for Pwpt, Excel and possibly Word. For Office, we don't have a W/B yet, therefore we based our price on the full product. We also told them that as soon as the agreement on a European level gets signed we will honor the new conditions. We are estimating roughly 1,500 prods by the end of the year. Davidev and Lucar will get back to you to organize your visit here.

From: Stefanie Reichel
To: Umberto Paolucci
Subject: FW: VOBIS in Italy
Date: Friday, September 04, 1992 3:35PM

Hi Umberto!

I just got the cc of the email you sent Jochen...pretty funny considering I had just sent this email off to Luca this afternoon....

In any case, lets definitely talk about the deal you just did. Is this for finished goods or white boxes? What we are trying to get approval on is a White Box version of Excel, Word and Office that they can bundle with their hardware. The prices that we have agreed to in Germany is for DM 315 (USD \$210) for Word or Excel and DM 630 (USD \$420). We are trying to get approval from Bernardv to be able to get this on a Europe wide basis. Is the deal that you made for White Boxes or Finished Goods? If you think the Italian sub is interested in making this type of White Box deal exclusively with Vobis for a period of time as well, please let me know (or inform Bernardv and Jeff Sanderson) and we can arrange it and coordinate it.

Regarding Finished Goods, Vobis is getting the 52% rebate on our list price. Are you interested in perhaps offering them something similar?

Call me so that we can discuss further...my number here is 49-89-3176-3225. Home is 49-89-361-5741. I will be working throughout the weekend and am planning on meeting on Monday with Lieven at Vobis.

Thanks for keeping me informed and good Job!

Stefanie

>From stefanir Fri Sep 4 11:10:15 1992
To: lucar
Cc: maurb stefanir
Subject: VOBIS in Italy

Date: Fri Sep 04 11:07:08 PDT 1992

Hi Luca!

PLAINTIFF'S EXHIBIT
1368
8/26/92 [initials]

SR 00057
HIGHLY CONFIDENTIAL

Microsoft

stefanie

Fri Sep 10 18:35:00 PDT 1992

MS-PCA 1164700
CONFIDENTIAL

Well, now that it is September and the vacation month of August is over, I thought I would contact you to find out when we could plan a trip for me to visit and meet with you in Italy to discuss how MS-Italy can work together with Vobis.

To update you on where things are at the moment with the relationship to Vobis:

- August 19th, Billg and Lieven (CEO of Vobis) met in London to follow up on the 12 million \$ royalty agreement they just signed with us. They agreed that MS and Vobis should work together more closely on a Europe-Wide basis and a Strategic Alliance press release is scheduled to go out this month.
- I am in negotiations with Vobis right now, but probably by next week, I will have signatures on a Windows for Workgroups royalty committment of 25K units, a White-box bundle deal for Germany of Excel/Word/Office worth \$ 6 million and a Finished Goods contract for Germany worth \$14 million.
- We are also planning in Germany to do a big Christmas promotion exclusively in the 100 Vobis stores promoting Microsoft products.

In any case, you can see the partnership with Vobis is exploding right now. As I have mentioned to you and others in our subsidiaries in past emails, Vobis's current plans are to expand rapidly into the European market as they have in Germany. I realize that they do not have as many stores in Italy as in Germany, but they are targeting the Italian market as their next largest growth area. To date they have 8 stores in Italy with plans to expand to atleast 12 by the end of this Calender year and 25 by the end of next year. I actually think these numbers may be higher eventually.

Vobis has licensed products like MS-DOS, Windows, PC-Works and WinWorks from us. However, they want to also be able to start aggressively selling finished goods in Italy as well. I would like to talk to you about whether or not you are interested in working together and to work with Vobis in Italy. Unfortunately, you are probably aware of Lotus and Borland's aggressive attempts to win market share from us right now. Perhaps they are not as aggressive in Italy as they have been here, but we have already lost several OEMs and re-sellers to Lotus's bargain pricing.

I do not want to see Vobis choose to sell Lotus or Borland finished goods in the Italian market. Therefore, I would like to discuss this with you further so that we can possibly come up with a proposal offer for Vobis.

Let me know what you think and tell me when would be a good time for me to come to Italy. At the moment, the best times for me are:

September 11th or 14th

October 19th, 20th, 23rd, 26th

SR 00058
HIGHLY CONFIDENTIAL

My schedule is pretty tight with traveling to the US and through Europe right now, so I apologize that my selection of dates are so mixed. But lets try and talk and come up with a plan. Call me or email me.

Meanwhile, I have an urgent request:

Can you have a Federal Express/courier package sent to Vobis in Germany as quickly as possible with a manual of the Italian Works for Windows?

MS-PCA 1164701
CONFIDENTIAL

They need it for a press check and they have been waiting forever to get it from Ireland, RR Donnelley and the US. If you can do this today, I am indebted to you...Their address is:

Vobis Microcomputer AG
ATTN: Dirk Metz
Rotter Bruch 32-34
Postfach 1778
D-5100 Aachen Germany

Thx

stefanie

SR 00059
HIGHLY CONFIDENTIAL

MS-PCA 1164702
CONFIDENTIAL