AINTIFF'S Comes v. Microsoft

Nov-responsive material reducted

The only exception I would take with this is the DPMI code issue. It has nothing to do with them being able to build a product. It has to do with their desire to back this code into 3.0a.

It is true we know what files have been modified for DPMI client support. What is also true is that SteveB was very, very reluctant to send this to them. It is again also true that IBM has not spent any time trying to find out where or what the code should be. They aren't even looking in the right part of the code.

It isn't my call as to whether or not we tell them. I just don't see why we should help them when we didn't want to give it to them in the first place. It is entirely independent of the committment we have to help them build the product.

From sheriv Tue Mar 26 14:39:49 1991
To: andyhi
Cc: bradsi davidcol janineh kaysaw tonya
Subject: RE: IBM questions about 3.1 code
[Date: Tue Mar 26 14:37:28 PDT 1991

Well, the intent of the contract was to license them a product that would build. We not only over-committed ourselves on that, but are now appearing reluctant to assist them with resources to get them to a point where they can build product.

Both davidcol and bradsi said in the Ballmer/Reiswig meeting last lweek that we'd provide the resources IBM needs to get the product [built. Period. I really think that 1) since it's a fairly

MS 5051420 CONFIDENTIAL

Itrivial effort to tell them how to locate the DPMI code (2 minutes!!?), lwe should just do that and 2) set timg's expectations so that he lunderstands that he may have to spend a couple hours with them jinitially to get them up and running on how to build the product, lbut after that initial training experience, the requests will taper loff.

Janine, when I talked to you yesterday, I didn't realize that bradsi Jand davidcol had made these commitments in the meeting. We should Istick by them, especially when it's a relatively small work effort. Believe me, we get far more negative press at IBM from being this presistant than you can imagine, and we should endeavor to at least appear Ireactive to their requests. If they really become a support burden, then we should revisit the issue, but we need to keep our commitments for now.

From andyhi Tue Mar 26 12:05:15 1991
[To: sheriv
[Cc: janineh
[Subject: IBM questions about 3.1 code
[Date: Tue Mar 26 12:02:39 PDT 1991

It just got a second phone message from beth schreiber asking questions lon how to locate the DPMI code in the 3.1 source drop of 3/15.

[What contractual obligation do we have to help them, and how do we want [to respond?

Janineh double-checked what we shipped, and the DPMI code is definitely in there.

If don't want ibm boca to get the idea that we will help them at all on this, if we aren't obligated.

Thanks Andy

there is an internal debate going on within IBM. the s/w guys want to give us the source and have us deal with the headaches of maintaining it. the h/w guys want to keep the source because this is a proprietary thing they want to protect. we are trying to get source but it may be a drawn out debate.

>From andyhi Tue Mar 26 14:43:35 1991

MS 5051421 CONFIDENTIAL