

SEARS BUSINESS CENTERS

Sears House
633 Pennsylvania Ave. N.W.
Washington, D.C. 20004

DRAFT

DATE April 29, 1992

FROM JONATHAN PEICE *JP*

TO: Anil Singh
Novell

CC Mark Zelinger Dennis Strimatter
Dennis Hudson Tony Truppa
Bela Orban Bill Lenahan

RE Novell DR-DOS technical support and bug fixes

* Sears agrees to bundle DR-DOS 6.0 with all laptop systems delivered under the Lapheid II contract for a period of 12 months. Novell agrees to a license fee of \$9.50 per copy delivered.

SOFTWARE ERROR CORRECTIONS

Novell agrees to fix errors and or bugs in the DR-DOS 6.0 operating system which effect Sears' performance on the Lapheid II contract within 45 days of written notification by Sears. This includes but is not limited to the following types problems:

1. Incompatibility with the software currently offered by Sears on the Lapheid II contract
2. Incompatibility with software already in use by Sears' customers on Lapheid II which includes but is not limited to the software listed in C6 1.11 1.1 of the Lapheid contract (attached)
3. Incompatibility with Microsoft Windows 3.0 and 3.1 as well as future releases of Windows
4. Incompatibility with other Popular DOS applications which create support problems for Sears and customer dissatisfaction on Lapheid II. Popular means applications which are sold by the large software distributors such as Ingram/Micro D, Softsell, etc.

Upon written notification of a problem by Sears, Novell will respond in writing within 10 days describing the nature of the problem and the process which will be followed to resolve the problem. If Novell believes the problem is related to hardware or software other than the operating system, Novell will respond with evidence which satisfies Sears' technical staff. Sears will act in good faith to analyze problems and ascertain whether they are related to the operating system rather than hardware or other software before reporting the problem to Novell

If Novell cannot correct the problem within the specified 45 days, Sears will have the right to find another operating system supplier. At the end of 45 days Sears will decide whether grant Novell additional time to complete correction. This decision will be based on the severity of the error and the impact the problem is having on the Lapheid II client satisfaction

- Need Machines from Sears 60490323
- Must send s/w when problem is reported.



Plaintiff's Exhibit

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Comes V. Microsoft

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