

UNITED STATES DISTRICT COURT

DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.)
ANTITRUST LITIGATION)
)Deposition of
)Thomas Freeman
Novell, Inc. V. Microsoft)
Corporation,)
)Hon. J. Frederick
Civil Action No. JFM-05-1087)Mozt
)

March 31, 2009 * 9:06 a.m.

Location: Ray, Quinney & Nebeker

36 South State Street, Suite 1400

Salt Lake City, Utah 84111

Reporter: Diana Kent, CSR, RPR, CRR

Notary Public in and for the State of Utah

Videographer: Ryan Reverman, CLVS

1 there is a lengthy interlineation of bolded,
2 underlined text. That paragraph begins with the
3 statement that I'll read into the record and ask you
4 about. "The point here is that the Windows 95 OS
5 presents a significant paradigm shift for the common
6 user and how that user views the work space. If we
7 can make that work space work well for the user in
8 Windows 95 (assuming Windows 95 specific
9 functionality), it will not work well for the user
10 under Windows NT. And therefore we have to recode
11 functionality to make the application well-behaved
12 under Windows NT." Do you agree with that statement?

13 A. I have no reason to dispute it. I don't
14 recall the specific differences. Windows 95 does and
15 did represent a shift. I don't believe Windows NT
16 fully adopted that same level of support. So that
17 statement would prove out to be true. And most
18 specifically about being able to code the same
19 functionality the same way and have it work in both
20 environments exactly the same.

21 Q. Now, at the very bottom of this paragraph
22 someone has interlineated the following statements:
23 "The bottom line for anyone developing for an OS is
24 was [sic] are the opportunity costs, if I have to
25 spend time developing special cases for Windows NT

1 because of differences in the desktop and underlying
2 architecture then I lose the ability to make my
3 Windows 95 application better. We all have limited
4 resources. There will be negligible return on my
5 investment to make it run under NT since that OS is
6 limited in its market presence." Do you agree with
7 those statements?

8 A. Yes.

9 Q. What do you understand the term
10 "opportunity cost" to mean in connection with the
11 development of software for a given platform?

12 A. Well, everything is tradeoffs. So if I
13 spend time working on a particular problem to try to
14 -- in this case the opportunity cost for trying to
15 support two environments, two distinct environments,
16 to try to get it to work well here and to get it to
17 work well there, the opportunity cost is the time
18 that it took me to get it to work in the second one
19 could have been applied to enhancing and adding more
20 value in the first one. And that's the opportunity
21 cost.

22 In our case it's feature sets and
23 completeness of the product in a targeted
24 environment. So in this case, with the statement, if
25 I spend time trying to make it work in NT, and in