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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.)
ANTITRUST LITIGATION,)
) MDL Docket No. 1332
This Document Relates to:) Hon. J. Frederick Motz
Novell, Inc. v. Microsoft,)
Civil Action No. JFM051087)

The deposition of KEVIN M. MURPHY, Ph.D.,
taken in the above-entitled cause, before Denise
M. Mills, a notary public of Cook County,
Illinois, on the 16th day of September, 2009, at
the hour of 8:50 o'clock a.m. at 70 West Madison
Street, Suite 1800, Chicago, Illinois.

Reported by: Denise M. Mills, CSR, RPR
License No.: 084-004450

1 regular or separate operations that would vary
2 in terms of what was in it so --

3 Q. Was PerfectOffice 3.0 an office
4 productivity application?

5 A. I believe it would be called an office
6 productivity suite. It would contain office
7 productivity applications.

8 Q. Let me try this. Is Microsoft's office
9 an office productivity application?

10 A. Well, the term applications, you know,
11 if used in the singular sense, I mean, it's a
12 semantic question of whether you want to say it
13 was a suite of applications or whether it is,
14 quote, "an office productivity", quote,
15 application.

16 From an economic standpoint, I'm not
17 sure there's a huge distinction between those
18 two. It obviously contained various
19 applications that served office productivity
20 needs.

21 Q. Well, let me ask it this way. Is there
22 anything in Microsoft's office that you would
23 not consider an office productivity application?

24 A. No. I guess the question is whether
25 you would consider it a suite of applications or

1 an application. I'm just -- that's the semantic
2 sense. It's either -- it's either office as a
3 unit or office as a unit of subunits. That's a
4 really subtle --

5 Q. That's not the question I'm asking, and
6 I understand your confusion.

7 My question is rather simple. It is:
8 Looking at Microsoft Office, is there anything
9 in Microsoft Office, Capital O, that you would
10 not consider an office productivity application?

11 A. No, I think everything in there would
12 fall in the office productivity general, you
13 know.

14 If there is an economic standpoint, it
15 is: Are these things that would be what we
16 generally associate as office productivity
17 application, things that are generally used by
18 business in a business environment?

19 Q. One of the things included in Microsoft
20 Office is Outlook, correct?

21 MR. HOLLEY: At what period?

22 MS. COURT REPORTER: I'm sorry.

23 MR. HOLLEY: At what period of time?

24 BY MR. JOHNSON:

25 Q. At any period of time.

1 A. No, Outlook wasn't -- there was
2 Microsoft mail, I believe, earlier versions.
3 That was before Outlook. Some versions of
4 Microsoft Office today don't contain Outlook.
5 So some versions had Outlook; some didn't. Some
6 had a database program; some didn't. The core
7 tended to be more -- the core pieces that tended
8 to be in OPA suites tended to be word
9 processing, presentation and spreadsheet. Those
10 tended to be more core pieces.

11 Q. When Outlook is included within
12 Office -- which you indicated it is on occasion,
13 correct?

14 A. Yes, it is.

15 Q. Okay. Would you consider that an
16 office productivity application?

17 A. It serves office productivity needs.
18 It also serves -- there's a lot of people who
19 use Outlook who would not be engaged in office
20 productivity in any sense of the word. So it's
21 like many things in life. It has multiple uses,
22 some of which are in the office and some are
23 not.

24 I mean, and in the context of a suite,
25 it would generally be used -- people who are

1 buying the suite generally would be using it for
2 an office productivity function. There might be
3 other people out there using Outlook on their
4 home computers doing anything that -- nothing
5 that resembles business in the real sense. So,
6 you know, you want to -- it can serve multiple
7 needs.

8 Q. So in your view an office productivity
9 application is limited to use in business?

10 A. You know, now we're in semantics. I
11 mean, these programs do what they do, and
12 whether you want to call it, whether you want to
13 call it office productivity is, depends on how
14 you want to define that. I would say it's --

15 Q. I'm asking you how you define it.

16 A. I would say from an economic point of
17 view there are a lot of things that could serve
18 as an office productivity application, that is,
19 things that would enhance productivity in the
20 office. You know, that same thing in another
21 context may not be an office productivity
22 application. That's not limited to software.
23 There's a lot of things that have both business
24 and personal uses and, you know, they serve one
25 need in one case and another need in another

1 case. That's how economists think about things.

2 Q. In your view, is Outlook a form of
3 groupware?

4 A. I think we're still playing semantics.
5 I mean, Outlook -- Outlook serves for -- for
6 people some of the functions that we associate
7 with group, with groupware. I mean, you know,
8 e-mail, calendars, things like that, that gets
9 them -- you know, I don't know if you really
10 want to say, you know, where it serves. It
11 serves those functions, and from an economic
12 point of view, that's what's significant. You
13 know, stuff is defined by what needs it serves,
14 and those are the needs that Outlook serves.

15 Q. Do you know that PerfectOffice 3.0
16 contained a GroupWise client and license?

17 A. I couldn't -- I don't know for sure
18 that that was the case. That certainly would be
19 consistent with my recollection.

20 Q. Is GroupWise a form of groupware?

21 A. I think it would typically be put
22 into -- considered a form of groupware in that
23 general sense.

24 Q. And does GroupWise include e-mail?

25 A. I believe it allows people to access