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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

I N D E X

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION

This Document Relates to:

Novell, Inc. v. Microsoft Corporation
Civil Action
No. JFM-05-1087

DEPOSITION OF:
ROBERT SHURTLEFF, JR.

January 14, 2009

8:04 a.m.

VIDEOTAPED DEPOSITION BEFORE KELLY A.
HERRICK, at K&L Gates, 925 4th Street,
Suite 2900, Seattle, Washington, on Wednesday,
January 14, 2009, commencing at 8:04 in the
morning, pursuant to notice.

JOSEPH ALBANESE & ASSOCIATES
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-
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2	WITNESS	DIRECT	CROSS
3	ROBERT SHURTLEFF, JR.,		
4	By Ms. Vishio	5	
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A P P E A R A N C E S:

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Also present: Lori Collins
Joseph Albanese, Videographer

THE VIDEOGRAPHER: We are going on
the record at 8:04 a.m. This is the
videotaped deposition of Rob Shurtleff
taken by the Plaintiff in the matter of
Novell, Inc. versus Microsoft Corporation
in the US District Court for the district
of Maryland.

This deposition is being held at
the law firm of K&L Gates, 925 Fourth
Avenue, Seattle, Washington on January 14,
2009.

My name is Joseph Albanese, and I'm
the videographer. The court reporter is
Kelly Herrick, both from the firm of
Albanese & Associates with offices located
in New Jersey. Will counsel please
introduce themselves.

MS. VISHIO: Miriam Vishio of
Dickstein Shapiro representing Novell.

MR. HASSID: Alex Hassid of
Dickstein Shapiro representing Novell.

MR. RADER: Scott Rader of
Sullivan & Cromwell representing
Microsoft.

MS. COLLINS: Lori Collins for

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1 Microsoft.
2 THE VIDEOGRAPHER: The court
3 reporter will now swear in the witness.
4 ROBERT SHURTLEFF, JR.,
5 A witness in the above-entitled action,
6 after having been first duly sworn,
7 testifies and says as follows:

9 EXAMINATION

10 BY MS. VISHIO:

11 Q Good morning. I'm Miriam Vishio,
12 one of the attorneys representing Novell in this
13 matter.

14 Q Could you please state your full
15 name for the record.

16 A Robert Shurtleff.

17 Q What is your address?

18 A 422 34th Avenue South, Seattle,
19 Washington.

20 Q Have you ever been deposed before?

21 A No.

22 Q Let's begin by going over some of
23 the ground rules of the deposition. You're under
24 oath, which means you're testifying here today as
25 if you were testifying in a court of law.

1 A Okay.
2 Q Also, if you answer a question, and
3 then later remember information that might help
4 clarify or correct that answer, just let me know
5 at that time and we can address that then.

6 A Okay.
7 Q Now, is there any reason you can
8 think of why you would not be able to answer my
9 questions today truthfully and fully?

10 A Only if I can't remember.
11 Q That's fine. And please, feel free
12 to say that on the record.

13 A Sure.
14 Q Because I may be showing you some
15 documents that contain confidential information,
16 I have provided you with a copy of our Protective
17 Order in this case. You are bound by this Order
18 which governs how that confidential information
19 is to be retained. Do you understand that?

20 A Yes.
21 Q Now, you are appearing here today
22 pursuant to a subpoena; is that correct?

23 A Correct.
24 (Exhibit Number 1 was marked.)

25 BY MS. VISHIO:

1 I'll be asking questions. My
2 questions and your answer will be recorded by the
3 court reporter. In giving your answers, please
4 speak up and answer orally as the court reporter
5 will not be able to record whether you nod or
6 shake your head. Do you understand that?

7 A Yes.

8 Q So that we can get an understanding
9 of what you might know about the facts and events
10 underlying this case, we're looking for full and
11 complete answers to the questions I'm about to
12 ask.

13 Do you understand that?

14 A Yes.

15 Q If there is any time I ask a
16 question that you don't understand or you find
17 confusing, please just ask for clarification and
18 we'll try to give that to you.

19 If you answer a question, I'll
20 assume that you understood it, okay?

21 A Okay.

22 Q We'll be taking occasional breaks
23 throughout the day, but if at any time you feel
24 the need to take break, just let me know and we
25 can arrange that, okay?

1 Q I'm handing you what has been
2 marked as Shurtleff Exhibit 1. Is this the
3 subpoena that was served on you?

4 A Yeah, it looks like it.

5 Q Do you have any understanding of
6 the litigation that brings you here today?

7 A No, I don't.

8 Q Did you discuss this deposition or
9 subject matter with anyone else?

10 A No.

11 Q Did you meet with anyone in
12 preparation for this deposition?

13 A No.

14 Q Did you review any documents in
15 preparation for this deposition?

16 A No.

17 Q Did you prepare any notes in
18 preparation for this deposition?

19 A No.

20 Q Did you do anything else to prepare
21 for this deposition?

22 A Got up early.

23 Q Could you please describe for us
24 your formal education after high school.

25 A I have a computer science degree from the

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1 University of California.
 2 Q And what year was that?
 3 A 1977.
 4 Q Are you currently employed?
 5 A I am a partner in a small venture capital
 6 firm in Seattle.
 7 Q What's the name of that?
 8 A Divergent Ventures.
 9 Q What sort of business does that
 10 company do?
 11 A We invest in early-stage technology
 12 start-ups.
 13 Q How long have you been there?
 14 A Four years.
 15 Q And what did you do before that?
 16 A I left Microsoft in 1998, and between then
 17 and joining Divergent, I did consulting and
 18 worked on a number of start-ups in town from the
 19 investor side.
 20 Q When did you join Microsoft?
 21 A 1988.
 22 Q And what was your title when you
 23 first joined Microsoft?
 24 A I don't remember.
 25 Q What were your job

1 A Yes.
 2 Q What does it stand for?
 3 A The mail application API.
 4 Q And what is MAPI?
 5 A MAPI was a programming interface that
 6 would allow clients and servers to be mixed in
 7 the E-mail environment so I could choose to use,
 8 by example, a Microsoft E-mail client and connect
 9 it to a Lotus Notes server.
 10 Q And by "the client," what do you
 11 mean?
 12 A The software that runs on the end user
 13 machine as opposed to the software that runs in
 14 the closet.
 15 Q When did Microsoft first release
 16 MAPI?
 17 A I don't recall.
 18 Q Do you know who at Microsoft worked
 19 on the development of MAPI?
 20 A Oh, a number of engineers.
 21 Q Do you recall any of their names?
 22 A I'd probably recognize them, but I can't
 23 remember who. We're talking about a project from
 24 15 years ago.
 25 Q Are you familiar with MAPI zero?

1 responsibilities?
 2 A I was the development and program
 3 management manager for Microsoft mail for the
 4 MacIntosh.
 5 Q And how long were in that capacity?
 6 A That job was probably two years.
 7 Q And then what did you do at
 8 Microsoft?
 9 A From there -- I spent nine out of the ten
 10 years at Microsoft working on a variety of
 11 different E-mail products, and one year working
 12 in telephony, and it was probably eight years of
 13 mail, one year of telephony, and then one year of
 14 E-mail again, from a timeline perspective.
 15 Q During the nine years that you
 16 spent working on mail, who did you report to?
 17 A Oh, Lord. At least ten people.
 18 Q Do you remember any of their names?
 19 A Bob Matthews, very early, Brian Valentine,
 20 Tom Evslin -- no, I actually didn't work for Tom,
 21 I worked for Brian.
 22 Q Anyone else?
 23 A Maybe other names will come to mind.
 24 Q Are you familiar with the term
 25 MAPI?

1 A Only vaguely.
 2 Q Are you familiar with the term
 3 "16-bit"?
 4 A Yeah, but without context, I don't know
 5 what -- how you're applying it.
 6 Q Are you familiar with a 16-bit
 7 application?
 8 A I mean, it just has to do with the address
 9 space and the size, and probably the generation
 10 of Windows it ran on.
 11 Q So what would it mean to be 16-bit?
 12 A It would establish in time when an
 13 application was constructed, because early on
 14 most were 16-bit apps, and then at some point --
 15 I can't tell you when -- sort of the address
 16 space was expanded as capabilities grew and
 17 applications became 32-bit.
 18 Q So do you recall whether MAPI zero
 19 was a 16-bit or a 32-bit?
 20 MR. RADER: Objection.
 21 MS. VISHIO: What's your objection?
 22 MR. RADER: He doesn't recall MAPI
 23 zero.
 24 BY MS. VISHIO:
 25 Q You said that you vaguely recalled

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1 MAPI zero. Do you recall whether it was 16-bit
 2 or 32-bit?
 3 A No. I can speculate.
 4 Q That's okay. Are you familiar with
 5 MAPI 1.0?
 6 A I know what the term is. If you asked me
 7 what it had in it, I couldn't tell you at this
 8 point in time.
 9 Q Do you know whether there was a
 10 16-bit version of MAPI 1.0?
 11 A I couldn't answer that definitively.
 12 Q Do you know whether there is a
 13 32-bit version of MAPI 1.0?
 14 A I would suspect that there was more likely
 15 a 32-bit version but I, again, can't tell you
 16 which was which.
 17 Q Do you recall what operating system
 18 MAPI 1.0 was released on?
 19 A I would assume Win '95, but that's -- you
 20 know, trying to, again, assemble a timeline from
 21 a long time ago.
 22 Q Are you familiar with Windows 3.1?
 23 A Yes.
 24 Q What was Windows 3.1?
 25 A The predecessor to Win '95.

1 "front end"?
 2 A It's another way of talking about a
 3 client.
 4 Q How about the back end?
 5 A Another way of talking about the server.
 6 Q Are you familiar with simple MAPI?
 7 A I recognize the term, but, again, couldn't
 8 tell you what was in it versus what was in these
 9 other versions.
 10 Q Are you familiar with the acronym
 11 CMC?
 12 A Vaguely.
 13 Q What do you think it means?
 14 A I don't -- I don't recall. I mean, it was
 15 one of -- my recollection, again it's vague, is
 16 that it was one of the either alternative
 17 proposals or one of the versions of these kinds
 18 of APIs.
 19 Q Are you familiar with common
 20 messaging calls?
 21 A I mean, it's kind of -- all these terms,
 22 kind of, are oatmeal.
 23 Q What do you mean by that?
 24 A Well, there were a number of different
 25 proposals for how to standardize the way

1 Q Do you know whether MAPI 1.0 was
 2 released on Windows 3.1?
 3 A I don't recall.
 4 Q How did MAPI work?
 5 MR. RADER: Objection: Vague.
 6 BY MS. VISHIO:
 7 Q Do you understand the question?
 8 A It's just an abstraction layer, so it
 9 provided a mechanism where you could map
 10 capabilities from one computer program to
 11 another.
 12 Q Well, is MAPI made up of component
 13 pieces?
 14 A Well, it's software.
 15 Q What sort of software?
 16 A Well, I mean, by components, it doesn't
 17 contain transistors and chips. It was a library
 18 of function calls that one programmer could use
 19 to access a different program, and I couldn't
 20 tell you what was in it outside of vague
 21 generalities.
 22 Q Are you familiar with client APIs?
 23 A Client APIs just establishes where the
 24 code runs and who is accessing it.
 25 Q Are you familiar with the term

1 applications talk to E-mail programs, and the --
 2 obviously, having a single standard makes life
 3 easier for everybody, and I can't -- I can't
 4 remember which one of these was -- who
 5 proposed -- which vendors proposed which one of
 6 these, or which components were in which
 7 standard, and it was a lot of work to kind of
 8 create each standard because, obviously, life
 9 would be easier if there was one way to do
 10 things.
 11 Q Well, what were the competing
 12 messaging APIs to MAPI?
 13 A I can't -- well, CMC might have been one
 14 of those, I don't remember -- I don't remember
 15 the names of -- MAPI became the most well known
 16 and, obviously, it was one that we worked on, so
 17 I remembered that one, but --
 18 Q Well, are you familiar with VIM, or
 19 vendor independent messaging?
 20 A I recognize that term, again, but I
 21 couldn't tell you how it related.
 22 Q Are you familiar with extended
 23 MAPI?
 24 A Sort of, but not in a very clear way.
 25 Q What do you remember about it?

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1 A I believe what it was was a -- there were
2 different goals for these different APIs, and as
3 time went on, there was a desire to have a richer
4 set of capabilities, and that was one of the
5 versions that delivered more capabilities.

6 Q Are you familiar with a messaging
7 subsystem?

8 A It's a generic term, so I don't know how
9 you mean.

10 Q In the context of MAPI.

11 A It could be a synonym. I mean, MAPI could
12 be a messaging subsystem.

13 Q Do you know if it would have
14 included a -- excuse me, a message spooler?

15 A It depends on the implementation.

16 Q How so?

17 A I mean, that's just a capability that one
18 could decide to put into a messaging subsystem.

19 Q Did MAPI include a message spooler?

20 A I don't recall.

21 Q Are you familiar with DLLs?

22 A Generically, yes.

23 Q What does that stand for?

24 A Dynamic link library.

25 Q Were DLLs part of a messaging

1 the interfaces that someone who was trying to
2 come at this from -- we would use the term today
3 the cloud would use, as opposed to interfaces
4 which were being connected to from the client
5 side.

6 Q Can you recall any examples of
7 service provider Interfaces or SPIs?

8 A No.

9 Q What is the address book in MAPI?

10 A Address books are a capability that,
11 obviously, mail systems have, and I -- and MAPI,
12 again, provided a way for applications to connect
13 to the address book, but I don't remember how
14 that worked.

15 Q So the better question to have
16 asked, then, was: How did the address book
17 connect with MAPI?

18 A I don't remember.

19 Q How about the message store, did
20 that connect with MAPI?

21 A Again, a message store is a generic term
22 that means the database or file mechanism by
23 which messages are stored, and MAPI -- some
24 versions provided ways to get to -- to abstract
25 that capability.

17

19

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1 subsystem?

2 A You could implement a messaging subsystem
3 with DLLs. Again, it's kind of like a tool.

4 Q Did MAPI implement DLLs?

5 A I can't recall. I mean -- no, I mean --
6 you're talking about three different versions so
7 far, and what was done in each one, I have no
8 idea, from an implementation standpoint, with
9 clarity.

10 Q Are you familiar with service
11 providers?

12 A That term, again, is generic so you have
13 to be more specific.

14 Q Service providers within MAPI.

15 A It was a term used for back ends so, in
16 other words, delivery systems, plugging into
17 MAPI, so an example might be, in those days,
18 CompuServ, or AT&T messaging, or Microsoft Mail
19 or others.

20 Q What about service provider
21 interfaces, are you familiar with those?

22 A MAPI was a layer that connected between
23 components on the client system and components on
24 the server system, and so service provider
25 interface was, if you will, the backside, it was

1 Q And how did it do that?

2 A I don't remember.

3 Q Are you familiar with the transport
4 provider?

5 A It's sort of synonymous with service
6 provider interface, in my mind.

7 Q Did that also connect with MAPI?

8 A Yeah, again, on what I would describe as
9 the bottom side, the server side, it's a
10 server-side mechanism.

11 Q Generically speaking, what is a
12 message store?

13 A A folder full of messages.

14 Q And where is it located?

15 A It could be in a variety of places. It
16 could be on your laptop or on the server.
17 (Exhibit Number 2 was marked.)

18 BY MS. VISHIO:

19 Q I'm handing you what has been
20 marked as Shurtleff Exhibit 2. It's a three-page
21 E-mail strand from the subject Networkworld trip
22 report dated February 19, 1992, and Bates stamped
23 MS 5033637 through MS 5033639.

24 Please review this document, but in
25 terms of substance, I'll be focusing on the

18

20

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1 second E-mail on the first page, specifically the
 2 Press Suite section.
 3 A (Perusing.) Okay.
 4 Q Do you recognize this E-mail
 5 strand?
 6 A No. When was it dated? 1992.
 7 Q What does this document appear to
 8 be to you?
 9 A It appears to be a trip report coming back
 10 from one of -- I guess from Networld.
 11 Q Focusing on the second E-mail on
 12 the first page, do you recognize this particular
 13 E-mail?
 14 MR. RADER: Objection. Objection:
 15 Asked and answered.
 16 BY MS. VISHIO:
 17 Q You can answer.
 18 A I don't know what the question is.
 19 MS. VISHIO: Can you repeat the
 20 question?
 21 (Question read back.)
 22 THE WITNESS: No.
 23 BY MS. VISHIO:
 24 Q In the From line, who is Lauraj?
 25 A Laura Jennings.

1 Q What is wgrmktg in the To line?
 2 A It's an alias, which I would interpret to
 3 be work group marketing, which was -- work group
 4 was one of the names of the E-mail group.
 5 Q Do you know any of the individuals
 6 that would have been a part of that group?
 7 A Well, we all -- anyone working -- well,
 8 the marketing group? I mean, I can't remember
 9 exactly who, again, was in which group when.
 10 Some of the people -- some of the
 11 E-mail names on the cc line were probably in
 12 marketing, although -- no, actually, most of the
 13 people on the cc line were not in marketing, they
 14 were other people in the organization.
 15 I mean, I have no idea who was in
 16 the group at that time.
 17 Q How about WGRSTAFF?
 18 A That would be, I would guess, the
 19 management staff of the work group -- again, of
 20 the E-mail team.
 21 Q And in the cc line is Jonkauf the
 22 E-mail alias for Jonathan Kauffman?
 23 A Yes.
 24 Q And who was he?
 25 A Again, he was one of the program managers

1 Q And what were her responsibilities
 2 at Microsoft?
 3 A She had many jobs. This was -- so I would
 4 assume at this point she was working in the
 5 E-mail group, although she worked in other
 6 groups, too.
 7 Q Did you work with her?
 8 A Yes.
 9 Q In what capacity?
 10 A I can't remember the exact reporting
 11 relationship. At times she was in marketing and
 12 up here, and at times she was in the managing
 13 chain above me, so I couldn't tell you at this
 14 time who was where.
 15 Q Do you see on the cc line robsh?
 16 A Yes.
 17 Q Is that your E-mail alias?
 18 A It was.
 19 Q Do you recall receiving this
 20 E-mail?
 21 A No.
 22 Q Do you have any doubt -- do you
 23 have any reason to doubt that you did receive
 24 this E-mail?
 25 A Yeah, I would assume I got it.

1 in the E-mail group. I don't recall his role at
 2 this time.
 3 Q In the cc line there is also
 4 rsegal. Is that the E-mail alias for Rick Segal?
 5 A Yes.
 6 Q And who is Rick Segal?
 7 A Today he's a venture capitalist. Then he
 8 was, I think, in the evangelism group -- I don't
 9 know at this time. The only job I remember Rick
 10 having was in evangelism, but I think he had
 11 other jobs, too.
 12 Q Would this E-mail strand have been
 13 created in the ordinary course of business at
 14 Microsoft?
 15 A Sure.
 16 Q Did you attend Networld in 1992?
 17 A I don't recall.
 18 Q If you turn to the third page of
 19 the document, under the section entitled AT&T,
 20 Ms. Jennings writes in the first sentence, "Had
 21 both breakfast and dinner meetings with AT&T
 22 myself, with Todd, Ron, Bruce, Billspe and
 23 Robsh -- are you the robsh in this sentence?
 24 A Yes.
 25 Q Does this refresh your recollection

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1 as to whether you were at the Networld --

2 A No.

3 Q Okay.

4 A I mean, not because I wasn't there, just

5 because -- you know, part of my job was to go to

6 conferences and, you know, it happened all the

7 time, so --

8 Q Well, under -- turning back to the

9 first page, under Press Suite heading where there

10 are four items indented, the first item discusses

11 MSMail 3.0.

12 A Um-hmm.

13 Q Do you recall that product?

14 A Yes.

15 Q What is MSMail 3.0?

16 A It was an E-mail server and client system

17 that was probably our first product in the

18 PC mail arena.

19 Q Do you recall what operating system

20 it was released on?

21 A It might have been on Win 3.0, vaguely,

22 Win 3.1, that time frame.

23 Q Did it use MAPI, do you recall?

24 A It may have been different versions, I

25 don't remember.

1 Q Bullet was the code name for MAPI

2 3.0, wasn't it?

3 A No, it was a code name for a client.

4 Q Which client?

5 A The client that ran on Windows.

6 Q So in the second indented line

7 where it says, "Bullet with MAPI integration to

8 Word, Excel"?

9 A Yeah.

10 Q The next line reads, "purpose:

11 MAPI is real." Was there a concern that MAPI was

12 being perceived as not real?

13 A I don't know.

14 Q Now, the first sentence of the next

15 paragraph, Jennings goes on to write, "No

16 surprise that MAPI vs. VIM was the hot topic."

17 Do you recall any discussion in the

18 press at this time in 1992 about MAPI versus VIM?

19 A Not specific -- I mean, generically, sure,

20 but not specifically.

21 Q And what do you generically recall?

22 A At -- at this time -- prior to this time

23 all the communication products had been

24 proprietary. You built a client, you built a

25 server, you built gateways to talk to other

1 systems.

2 It was -- one of the evolutions of

3 E-mail was, as it became more of a platform for

4 other applications, it became important that

5 other application -- you know, for instance,

6 today you can, say in Word, or EXCEL, file, send,

7 and you can take the current document you're

8 working on and mail it off to a peer.

9 The -- there was hot competition in

10 the industry over whose mechanism would be used

11 to kind of standardize that interaction, because

12 application developers were not interested in

13 supporting multiple platforms.

14 Q Why is that?

15 A It's just more work.

16 Q How so?

17 A You would have to, as an application

18 vendor, go -- you would have to determine which

19 underlying E-mail system was being used, which

20 version, and then make appropriate coding choices

21 based on that, and if you could have one way to

22 do it, life would just be easier for everyone.

23 Q Skipping to the third sentence in

24 that paragraph, Jennings writes "Unfortunately,

25 given that we were put on the defensive here,

1 'good coverage' of this so-called API-war issue

2 in the next few weeks must be defined as coverage

3 which doesn't declare Lotus the hands-down

4 messaging API winner."

5 What does it mean to be the

6 messaging API winner?

7 A The definer of that standard.

8 Q Did Microsoft consider beating VIM

9 a priority?

10 A I would assume so, yes, from this.

11 Q Why would Microsoft want MAPI to be

12 the industry standard?

13 MR. RADER: Objection. You can

14 answer if you can.

15 THE WITNESS: It was -- you know,

16 it was a point of competitive -- it was a

17 point of competition in the field.

18 BY MS. VISHIO:

19 Q What advantages, if any, would

20 Microsoft gain by having MAPI as the industry

21 standard?

22 A Technically or marketing? From a

23 technical standpoint or a marketing standpoint?

24 Q We'll start with the technical

25 side.

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1 A If you controlled the standard, then you
2 have more ability to know where things are
3 headed, but I think, you know, at this time there
4 was -- the competitive environment was much more
5 about whether E-mail or Groupware were going to
6 be kind of the application of that time, so there
7 were competitive and marketing battles being
8 fought over that in a variety of ways.

9 Q And what was Groupware?
10 A Groupware was probably best exemplified by
11 the Notes product, but it was the concept that
12 document-sharing was an application creation
13 where using these special platforms, as opposed
14 to messaging, which was more an E-mail
15 communication messaging.

16 Q Now, going back to my prior
17 question about the advantages, if any, Microsoft
18 would gain from having MAPI as the industry
19 standard, what about from the marketing
20 perspective?

21 A If you're trying to convince people that
22 E-mail is more important than Groupware, having a
23 standard that you were the author of is
24 prestigious.

25 Q Now, if you go on to the next

1 "open" in this term; whereas VIM, in my
2 recollection, was much more a single-vendor
3 product.

4 Q Is your view of what "open" means
5 consistent with what Microsoft's view of open
6 was?

7 A I have no idea.

8 MR. RADER: Objection.

9 BY MS. VISHIO:

10 Q Is this message about MAPI being
11 truly open consistent with Microsoft's message to
12 the press about MAPI following this trip?

13 MR. RADER: Objection.

14 THE WITNESS: I don't have the
15 context to know.

16 BY MS. VISHIO:

17 Q Did Microsoft evangelize MAPI as an
18 open standard?

19 A Yes, and did the technical work behind the
20 scenes to make that real.

21 Q How so?

22 A There were a number of conferences held,
23 there were technical discussions with a variety
24 of the vendors that connected to it to make the
25 standard work as well as it could -- made to

1 sentence that Jennings writes, she says, "I
2 believe that we planted a significant amount of
3 doubt about both Lotus's political motivations
4 for VIM and also the technical merits of this
5 API."

6 Does this refresh your recollection
7 that Lotus was the technical force behind VIM?

8 A That would lead me to believe that is
9 true.

10 Q Now, on the second page of the
11 document, at the very top, Jennings lays out
12 "MAPI messages were as follows," and if you turn
13 to the third item down there that says, "MAPI is
14 truly open," what does that mean?

15 MR. RADER: Objection. Are you
16 asking about his -- are you asking what --
17 about what he thinks it means looking at
18 it now?

19 BY MS. VISHIO:

20 Q In your view, was MAPI truly open?

21 A It was a multivendor API. There were lots
22 of people involved in it, so it was -- if open
23 means multiple constituencies to it, yes. It was
24 not something that was done just by a single
25 vendor, which was, I believe, the meaning of

1 work.

2 Q You mentioned previously
3 proprietary standards. What does that mean?

4 A I did not say proprietary standards, or if
5 I did, that was incorrect. What I said was
6 initial versions of E-mail systems were bound
7 together tightly in a -- you know, the code
8 between a server and a client was just the code
9 somebody wrote.

10 There wasn't an isolation or an
11 abstraction between them, which is where the
12 standards came in, so you could then say, hey, I
13 want to use this client and this server, or have
14 this application be able to talk to this client.

15 Q Well, what does "proprietary" mean
16 to you?

17 A Single vendor or closed.

18 Q Were there discussions at Microsoft
19 as to whether to make MAPI a proprietary or open
20 standard?

21 A I can speculate, but I don't -- can't
22 answer that definitively.

23 Q So you were not involved in those
24 discussions if they existed?

25 A I don't know. I mean -- I mean, MAPI was

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1 designed to be open, so I don't know if there was
2 ever a discussion to make it closed. That's kind
3 of inconsistent.

4 Q Are you familiar with the acronym
5 ISV?

6 A Independent software vendor.

7 Q Do you know what specifically
8 Microsoft told ISVs about MAPI being an open
9 standard?

10 MR. RADER: Objection.

11 THE WITNESS: No -- I mean, part of
12 the strategy was to get other vendors,
13 software vendors, to use it, so there was
14 a lot of work done to convince them that
15 it was a technically strong way to do
16 things.

17 BY MS. VISHIO:

18 Q So does "open" mean that the
19 specifications were fully publicized?

20 A That could be one of the meanings. I
21 mean, it depends on the conversation, but open
22 could mean it was also -- there were
23 collaborative elements to its development.

24 Q With respect to MAPI, did open mean
25 that its specifications would be fully

1 Q I'm handing you what has been

2 marked as Shurtleff Exhibit 3. This is a 21-page
3 document entitled Microsoft Messaging Application
4 Interface (MAPI) Overview. It's dated April 29,
5 1993 and Bates stamped MS 7058541 through MS
6 7058561.

7 Please review this document,
8 although I am going to be focusing only on the
9 first seven pages.

10 A Okay. (Perusing.) I'm going to fill my
11 coffee cup while I do this. Okay.

12 Q Do you recognize this document?

13 A Vaguely.

14 Q What is it?

15 A It's an overview of the MAPI API and some
16 education materials to back that up.

17 Q Were you involved in creating it?

18 A I don't remember.

19 Q Do you know who created this
20 document?

21 A No.

22 Q Does it look like a document that
23 would have been created in the ordinary course of
24 business at Microsoft?

25 A Yes.

33

35

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1 publicized?

2 A I believe so.

3 Q And with respect to MAPI, ISVs
4 would then be given full access to the
5 specifications; is that correct?

6 A I believe so. There was -- there was a
7 kit produced, and documentation produced, and
8 that was the goal.

9 Q Do you recall what happened to VIM?

10 A They lost.

11 Q Did Lotus agree to drop the
12 specification in favor of MAPI, do you remember?

13 A I don't recall. I mean, I should say they
14 lost in the sense that I mean MAPI became the
15 predominant way in which independent software
16 vendors wrote code to talk to E-mail systems.

17 Q So after VIM, were there any
18 competing messaging standards with MAPI?

19 A I don't remember -- I don't recall any,
20 but that doesn't mean there weren't others. The
21 world discovered the Internet, we started
22 worrying about other problems.

23 (Discussion off the record.)

24 (Exhibit Number 3 was marked.)

25 BY MS. VISHIO:

1 Q On the first page, the sixth full
2 paragraph down, the first sentence reads,
3 "Microsoft offers a solution to this dilemma with
4 the Windows TM operating system and a new
5 messaging industry standard."

6 Now, I know that you don't really
7 recall if you've seen this document before, but
8 I'm just trying to verify some of the information
9 in it.

10 Do you know what it means to be a
11 new messaging industry standard?

12 A I can only assume that this was one of the
13 first documents publically published about MAPI,
14 so that's why it would be declared new.

15 Q Did multiple messaging standards
16 used to exist?

17 A Prior to this time, there were -- there
18 were other standards, but they didn't solve the
19 problems that this API solved.

20 Q Why?

21 A They were -- there were, for instance, in
22 the UNIX world, both a standard called POP and a
23 standard called SMPP, which were designed for
24 message submission that was a very narrow
25 standard that didn't solve many of the problems

34

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1 that MAPI tried to solve, had no concept of file
 2 attachments, had no concept of address books.
 3 Q Were these messaging systems also
 4 specific to the back end --
 5 A Yes.
 6 Q -- systems that they ran on?
 7 A Yes.
 8 Q On the top of the next page, the
 9 first full paragraph reads, "MAPI offers an
 10 alternative by providing a layer of functionality
 11 between applications and the underlying messaging
 12 systems, allowing each to be developed
 13 independent of the other."
 14 Does that statement accord with
 15 your recollection?
 16 A Yes.
 17 Q Turning to page 4 of the document,
 18 which is Bates stamped MS 705844, the fourth
 19 paragraph down states, "MAPI is an open API; it
 20 can support virtually any client
 21 messaging-enabled application - including
 22 advanced workgroup solutions - on any messaging
 23 system."
 24 Does this accord with your
 25 recollection?

1 A My recollection is yes.
 2 Q Was MAPI integrated with the
 3 operating system?
 4 MR. RADER: Objection.
 5 THE WITNESS: I don't know what it
 6 means.
 7 BY MS. VISHIO:
 8 Q Did MAPI have cross-platform
 9 availability?
 10 A Yes, to -- I think so. I don't know what
 11 they mean by "platform" here, so that's why I'm
 12 hesitating in my answer.
 13 Q What do you mean by "platform"?
 14 A Well --
 15 MR. RADER: Objection.
 16 THE WITNESS: It's not -- it's not
 17 a clear term, so you could say, was it
 18 available on multiple servers that
 19 required other vendors to adopt it?
 20 And it was available in -- in, or
 21 the promise was, that it would be
 22 available on multiple Microsoft operating
 23 platforms, so in that case that was
 24 something that could be done.
 25 BY MS. VISHIO:

1 A Yes.
 2 Q And what does it mean by
 3 "messaging-enabled application"?
 4 MR. RADER: Objection.
 5 BY MS. VISHIO:
 6 Q Let me rephrase.
 7 Are you familiar with client
 8 messaging-enabled applications?
 9 A I can -- I don't know exactly what is
 10 meant by that here at this time.
 11 Q On the next page, which is Bates
 12 stamped 7058545, under the section marked
 13 Requirements for an Open Messaging API, the first
 14 sentence states, "During the development of MAPI,
 15 a variety of vendors with a wide range of
 16 industry knowledge provided Microsoft with a
 17 clear picture of the 'must-have' capabilities for
 18 any open messaging industry standard."
 19 And if you see the four headings
 20 listed below it says, Open Client and Server
 21 Interfaces, Integration with the Operating
 22 System, and Cross-Platform Availability, and
 23 Rich, Easy-to-Use Features.
 24 Did MAPI have open client and
 25 server interfaces?

1 Q The first sentence under that
 2 sentence Cross-Platform Availability reads,
 3 "Taking advantage of the distinctive strengths of
 4 a specific operating system is crucial for
 5 advanced enterprise-wide messaging."
 6 Does that clarify what is meant by
 7 "platform" for you?
 8 A No.
 9 Q Did MAPI allow for client
 10 applications and messaging systems to have rich,
 11 easy-to-use features?
 12 A Yeah. It's kind of marketing-speak, but
 13 sure.
 14 Q Turning to the next page, which is
 15 the sixth page of the document, the first
 16 sentence of the second full paragraph on that
 17 page says, "MAPI is open on both the client and
 18 server sides."
 19 Does that statement accord with
 20 your recollection?
 21 A Yes.
 22 Q Did Microsoft evangelize MAPI as
 23 open on both the client and server sides?
 24 A Yes.
 25 Q That same paragraph goes on to

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1 read, "In addition, MAPI is highly integrated
2 with the operating system and will, in fact, ship
3 as a part of the Windows operating system in
4 future releases."

5 Did Microsoft tell developers that
6 MAPI would ship as part of Windows -- as part of
7 the Windows operating system?

8 A From this I could presume so, but I don't
9 recall that myself, or when it was done.

10 Q So you don't know whether MAPI
11 shipped as part of Windows 3.1?

12 A Oh, yes, MAPI shipped as 3.1. I don't
13 know when -- when or what vendors were told about
14 that.

15 Q Do you know whether MAPI shipped as
16 part of Windows '95?

17 A I don't recall. I believe it did, but I'm
18 not positive.

19 Q On the very bottom of that page
20 under the section The Advantages of Messaging
21 Subsystems, and continuing on to the top of page
22 7, the document states that, "The advantage of
23 having a messaging subsystem is that messaging
24 applications do not have to rely on the
25 particular code of each vendor's messaging

1 Q So does this paragraph accord with
2 your recollection of what MAPI was intended to
3 do?

4 A Yeah, I think so. I mean -- yeah.

5 MS. VISHIO: Let's go off the
6 record.

7 THE VIDEOGRAPHER: We're off the
8 record at 8:57 a.m.

9 (A recess was taken.)

10 THE VIDEOGRAPHER: We're back on
11 the record at 9:06 a.m. and this is the
12 start of Tape 2.

13 BY MS. VISHIO:

14 Q Returning to Shurtleff Exhibit 3
15 where we left off, if you turn to page 13 of the
16 document which is Bates stamped MS 7058553, if
17 you look at the second to last sentence of that
18 first paragraph it reads, "The message spooler is
19 similar to a print spooler except that it assists
20 with the routing of messages instead of print
21 jobs."

22 A Good, they are using my knowledge.

23 Q Does that accord with your
24 recollection?

25 A Yes.

1 product. Instead, developers can create
2 applications that will work reliably and
3 consistently for all customers who are using the
4 operating system, regardless of the underlying
5 messaging services or network system."

6 In your view, what does this
7 paragraph mean?

8 MR. RADER: Objection.

9 THE WITNESS: I think the best way
10 to answer the questions is to give an
11 example. In the early days of personal
12 computers, the interfaces to printers was
13 not provided through an API, so every
14 application vendor had to modify their
15 application or write specific code for
16 every printer they wanted to talk to.
17 This wasn't very efficient.

18 The answer to that question -- the
19 answer to that problem was to create a
20 common API that allowed application
21 vendors to be abstracted from printers.

22 MAPI was exactly the equivalent for
23 messaging systems, and that's what its
24 goal was.

25 BY MS. VISHIO:

1 Q Turning to page 19 of the document,
2 under the heading MAPI and Messaging
3 Applications, and also on page 20, the heading
4 reads Messaging-Aware Applications,
5 Messaging-Enabled Applications and
6 Messaging-Based Workgroup Applications.

7 Are you familiar with
8 messaging-aware applications?

9 A I can guess what these differentiations
10 mean, but --

11 Q Let me address, under
12 Messaging-Aware Applications, let me point you to
13 the third paragraph down, it states,
14 "Applications are called messaging-aware when
15 they do not depend upon messaging for their
16 functions. That is, the basic messaging
17 capabilities provide an additional value to the
18 regular features of that application."

19 Does that accord with your
20 understanding of regular messaging applications?

21 A I mean, I don't remember this, but that
22 makes sense.

23 Q And in the next section under the
24 heading Messaging-Enabled Applications, if you
25 look at the first sentence of the first paragraph

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1 on page 20, it says, "Unlike messaging-aware
2 applications, messaging-enabled applications
3 require some type of messaging capability in
4 order to function."

5 Does that accord with your
6 recollection of messaging-enabled applications?

7 A I understand the topology, so -- I mean, I
8 understand how the world is being broken up here
9 to differentiation.

10 Q Does this accord with your
11 understanding of messaging-enabled applications?

12 A It makes sense to me. I mean, I don't
13 remember any of this stuff so --

14 Q In the next section entitled
15 Messaging-Based Workgroup Applications, the first
16 sentence of that first paragraph says, "The most
17 advanced type of messaging application is the
18 workgroup application, which requires full access
19 to all of the back-end messaging services,
20 including the message-store, addressbook or
21 directory, and transport functions."

22 Does that accord with your
23 recollection of the messaging-based workgroup
24 applications?

25 MR. RADER: Objection.

1 presentation?

2 A No. I mean, it makes -- do I know of it
3 personally? No. But does it look like a MAPI
4 presentation from that time frame? Sure.

5 Q Does it look like a slide
6 presentation that would have been created in the
7 ordinary course of business at Microsoft?

8 A Yes.

9 Q Who is Susan Fine?

10 A I believe she was the marketing product
11 manager -- actually, that's what it says. She's
12 MAPI product manager, if that makes sense.

13 Q Do you recall Microsoft holding a
14 Windows for Workgroup Developers conference?

15 A Not specifically, but generically, yes. I
16 mean, that was one of the things that was done to
17 evangelize this API.

18 Q Do you recall when that would have
19 taken place?

20 A No.

21 Q Do you recall whether you attended
22 that conference?

23 A No, but I very well could have.

24 Q Now, if you turn to the page with
25 the Bates stamp ending in 307, the first bullet

45

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1 THE WITNESS: I mean, in a similar
2 way. This is just a way to divide up the
3 world and present different levels of
4 capabilities, and it makes sense, but I
5 don't remember if this is how it was
6 explained.

7 (Exhibit Number 4 was marked.)

8 BY MS. VISHIO:

9 Q I'm handing you what has been
10 marked as Shurtleff Exhibit 4. It is a 29-page
11 document Bates stamped IBM 7510251292 through
12 IBM 7510251320.

13 The first page purports to be a
14 letter from the Deputy General Counsel of Lotus
15 to the Department of Justice dated March 24,
16 1995. Enclosed with the letter are press
17 articles and two slide presentations.

18 Please briefly review this
19 document. My questions will be focused on the
20 slide presentations beginning at Bates stamp
21 IBM 7510251299.

22 A (Perusing.) Okay.

23 Q Starting with the first slide
24 presentation, which is Bates stamped 7510251299,
25 and it goes to 7510251308, do you recognize this

1 of the first slide on that page under MAPI
2 Schedule reads, "MAPI will ship as a subsystem of
3 the next release of Windows."

4 Do you know which release of
5 Windows that would have been?

6 A No.

7 Q The next bullet states, "The full
8 MAPI SDK will first be available in March '93."

9 What is an SDK?

10 A That's the developer kit, software
11 developer kit, so that would be documentation and
12 software libraries for application vendors to
13 use.

14 Q Do you recall whether the full MAPI
15 SDK was available in March 1993?

16 A No idea.

17 Q I'd like to turn to the second
18 slide presentation, it's Bates stamped IBM
19 7510251309. Do you recognize this presentation?

20 A As before, generically, but not
21 specifically.

22 Q Does it look like a slide
23 presentation that would have been prepared in the
24 ordinary course of business at Microsoft?

25 A Yes.

46

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1 Q Turning to the first slide of that
2 presentation, which is Bates stamped ending in
3 309, is this the same Jonathan Kauffman that we
4 were discussing earlier?

5 A Yes.

6 Q Do you recall Microsoft sponsoring
7 or holding a Win32 Professional Developers
8 conference in 1993?

9 A Again, not specifically.

10 Q Do you recall whether you attended
11 this conference?

12 A I can't remember.

13 Q Do you know whether ISVs would have
14 been invited to participate in this conference?

15 A Generically, absolutely. Specifically, I
16 mean, I don't remember this one, so I don't know
17 who was invited or where it was.

18 Q So you don't know whether Novell
19 was invited to this?

20 A I don't know.

21 Q Please turn to the next page --

22 A I mean, it wouldn't -- these types of
23 conferences were not -- were open, there was
24 not -- no one would be explicitly excluded,
25 including competitors.

1 Windows, so you would want to have a 16-bit
2 library so that people could use it on those
3 machines.

4 Q Do you know whether a 16-bit
5 version was requested by the developer community?

6 A No, I don't recall. It certainly would
7 have been requested by the customer community
8 because the system needs to work on as many
9 systems as possible, so it's a customer
10 requirement, not necessarily a developer
11 requirement.

12 Q Please turn to the next page, which
13 bears the Bates stamp ending 311, and the top
14 slide states, MAPI is Open at the desktop for
15 applications, electronic mail clients, workgroup
16 and custom applications, to service providers
17 such as: Host, LAN, or asynchronous messaging
18 systems, fax, voice messaging systems.

19 Do you know what it means that MAPI
20 is open at the desktop?

21 MR. RADER: Objection. My
22 objection is the question is vague. Do
23 you mean in general or in this specific
24 slide?

25 MS. VISHIO: In general.

49

51

1 Q The middle slide on the next page
2 which is Bates stamped ending in 310, under the
3 first bullet --

4 A First bullet on which slide?

5 Q On the middle slide under the
6 section entitled MAPI, the first bullet says,
7 "MAPI is a powerful interface used to access
8 diverse messaging services," and the first bullet
9 says, "Standard 32-bit Windows API."

10 A Okay.

11 Q Does this accord with your
12 recollection that MAPI was a 32-bit API?

13 A Well, it says in the next bullet that it's
14 available in 16-bit as well, so what was
15 available when is -- I can't remember. This
16 doesn't tell me.

17 Q Could you explain why Microsoft
18 would make a 16-bit version of MAPI?

19 A For backward compatibility for older
20 versions of the operating system.

21 Q What is backwards compatibility?

22 A To make the API more useful, you would
23 want it to be able to work on the install base of
24 computers and operating systems currently in the
25 market, which included 16-bit versions of

1 THE WITNESS: Open is a term that
2 actually doesn't have a lot of meaning
3 here. What this slide tells me is that it
4 is broadly available so application
5 vendors can use it in a number of
6 different environments.

7 BY MS. VISHIO:

8 Q And service providers as well?

9 A Yeah. I mean, open I think is synonymous
10 with published. It's common -- it really has two
11 meanings, I think, here, and one is it is
12 published, and two, there have been input --
13 there has been input provided by or requested
14 from many of the service providers or
15 applications to make sure it works. It's got two
16 meanings, is my point, and I don't know which one
17 you meant.

18 Q If you look at the next slide from
19 MAPI Open Architecture, there is a chart here
20 that defines -- or rather describes mail-enabled
21 applications.

22 A Okay.

23 Q Does this accord with your
24 recollection of the MAPI architecture?

25 A Yes.

50

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1 Q Does this accord with your
2 recollection of the MAPI open architecture?
3 A You can call them synonymous, sure.
4 (Exhibit Number 5 was marked.)
5 BY MS. VISHIO:
6 Q I'm handing you what has been
7 marked as Shurtleff Exhibit 6 -- 5, excuse me.
8 It is a one-page E-mail strand, Bates stamped
9 MS 7093119.
10 The top part purports to be an
11 E-mail from Brad Silverberg to Brianv dated
12 June 24, 1993. The bottom part purports to be an
13 E-mail from Laura Jennings to Brad Silverberg and
14 others dated June 23, 1993. The subject line of
15 both E-mails is MAPI Update.
16 Do you recognize this E-mail
17 strand?
18 A No.
19 Q Do you know whether these E-mails
20 would have been created in the normal course of
21 business at Microsoft?
22 A Yes.
23 Q With respect to the bottom part, is
24 this the same Laura Jennings that we discussed
25 earlier with the NetWare trip report?

1 Q Is Brian Valentine's E-mail alias
2 Brianv?
3 A Correct.
4 Q Turning to the text of the E-mail
5 from Laura Jennings, the second paragraph, full
6 sentence, reads, "Last month we consolidated our
7 mail client development groups to achieve better
8 cross-platform similarity and more importantly,
9 eliminate duplicate work going on in the business
10 unit."
11 Do you recall that consolidation
12 occurring?
13 A Only vaguely. Reorgs are a fact of life.
14 Q What does cross-platform mean?
15 MR. RADER: Objection.
16 THE WITNESS: I don't know. I
17 don't know what it means in this context.
18 BY MS. VISHIO:
19 Q Independent of this E-mail, what
20 does cross-platform mean to you?
21 A It could mean a code which runs on Win16,
22 Win32, or a code which runs on the MacIntosh N on
23 Windows, but I don't know what -- again, I don't
24 know what -- I don't know what it is referring to
25 here.

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1 A I would assume so, yes.
2 Q One of the recipients of this
3 E-mail from Laura Jennings is Tom Evslin. You
4 mentioned Tom Evslin prior when we were
5 discussing your work history. Who was
6 Tom Evslin?
7 A Tom Evslin was the general manager of the
8 E-mail group hired originally to run what was
9 then the PC mail group when I was running the
10 MacIntosh mail group, when that organization was
11 based in Vancouver, Canada.
12 Q Another recipient of this E-mail is
13 Daniel Petre. Who was he?
14 A He was one -- also one of the general
15 managers of the E-mail group, but I don't
16 remember the time order.
17 Q Did you work with him?
18 A I was in his organization, but not
19 directly for.
20 Q Copied on this E-mail is Brian
21 Valentine, another name you've also mentioned.
22 Who is he?
23 A Brian also was the general manager of the
24 E-mail group at one point, but I can't tell you
25 what jobs these people had at this time.

1 Q The next sentence reads, "Rather
2 than bringing the old 'Bullet' code base forward
3 for our next-version W16 and Mac clients
4 separately from the new 'Capone' W32 mail client
5 code base, we instead have put all of our client
6 development behind the Capone code base, which
7 will then be deployed on all 3 platforms--W32,
8 W16 and the Mac."
9 What is Capone?
10 MR. RADER: Objection.
11 THE WITNESS: Here I believe it
12 just is a code name for one of the E-mail
13 client development teams.
14 BY MS. VISHIO:
15 Q Independent of this E-mail, in your
16 view, what is Capone?
17 A I don't know that it's relevant. There
18 were a series of code names that the developers
19 selected for their teams, and there may have
20 been, at the time, a movie that had Capone in it,
21 and that's probably where this came from.
22 Q So what product would Capone have
23 been a code name for?
24 A I believe it was for the Win32 mail
25 client, but I'm not positive.

54

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1 Q And in your view, what does W32
2 mean?
3 A Windows 32.
4 Q And W16?
5 A Windows 16, and Mac would be MacIntosh.
6 Q In the third full paragraph of
7 Jennings' E-mail, she writes, "Bottom line is
8 that we will in fact have the often-requested W16
9 version of MAPI (full client API and SPI) in
10 mid-94, whether or not we choose to expose it to
11 the outside world."
12 Do you know whether a W16 version
13 of MAPI is the same thing as a 16 version --
14 16-bit version of MAPI?
15 A I would assume that's synonymous.
16 Q Sitting here today, as you read
17 this E-mail, in your view, what does "whether or
18 not we choose to expose MAPI to the outside
19 world" mean?
20 A Well, it doesn't say "MAPI." It says
21 "expose it," so it's not -- I do not think --
22 obviously, MAPI was being exposed to the world,
23 so I don't think that's a correct reading of the
24 sentence.
25 Q What do you think the "it" refers

1 Q What does it appear to be to you?
2 A Press release.
3 Q Concerning what?
4 A A release of the MAPI SDK -- beta release
5 of the MAPI SDK.
6 Q What is Newswire Mailing,
7 newswire@Microsoft.com?
8 A It would be an internal distribution list.
9 Well, excuse me. It's the From. It's probably
10 from the PR department, and it's addressed to
11 Execnews, which was a mailing list that had a
12 number of people on it.
13 Q Do you know who would have been
14 involved in that -- in the group?
15 A I would assume most execs would have been
16 on that list.
17 Q Did you receive this E-mail?
18 A I have no idea.
19 Q Would this E-mail have been sent in
20 the ordinary course of business at Microsoft?
21 A Yes.
22 Q What is a beta release?
23 MR. RADER: Objection.
24 THE WITNESS: Beta is a term that
25 means not finalized, but in the process of

1 to?
2 A I believe it refers to the 16-bit version.
3 Q The 16-bit version of MAPI?
4 A Correct.
5 Q Do you recall any discussion within
6 Microsoft as to whether to publish a 16-bit
7 version of MAPI?
8 A Not specifically. I'm sure there was
9 plenty of it, and what is not clear in this
10 E-mail was at -- as was exemplified in the
11 earlier documents, there were multiple layers to
12 MAPI, so what was being -- it's not clear what --
13 what pieces of it they are talking about in terms
14 of the Win16 version.
15 (Exhibit Number 6 was marked.)
16 BY MS. VISHIO:
17 Q Handing you what's been marked as
18 Shurtleff Exhibit 6, it is a three-page E-mail
19 from Newswire Mailing to Execnews dated
20 November 23, 1993, Subject Microsoft: (resend).
21 MAPI 1.0 Beta Software Developer's Kit Now
22 Available. This document is Bates stamped
23 MS 5041454 through MS 5041456.
24 Do you recognize this document?
25 A Not specifically.

1 being finalized, as opposed to alpha,
2 which means very early work, so beta
3 usually means the first time you release
4 something to -- outside of the company.
5 BY MS. VISHIO:
6 Q So when it says, "MAPI 1.0 Beta
7 Software Developer's Kit Now Available," this was
8 not the final specification that was being
9 released; is that correct?
10 A The specification was probably final, but
11 the implementation may not have been, it might
12 still have had bugs, and there may have been
13 tweaks in the spec, but generally, when the spec
14 goes out, you don't change it, because that makes
15 life hard for everybody.
16 Q Do you recall when MAPI 1.0 was
17 actually released?
18 A No.
19 Q The fourth full paragraph down
20 says, "MAPI provides separate interfaces for
21 front-end client applications and back-end
22 messaging systems. Any MAPI-capable application
23 on the front-end can operate seamlessly with any
24 MAPI- capable back-end system. Because the two
25 are independent, users can choose 'best-of-breed'

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1 messaging applications and services that most
2 closely fit their needs."

3 Does this accord with your
4 recollection of how MAPI was presented to the
5 developer community?

6 MR. RADER: Objection.

7 THE WITNESS: It's not specific to
8 the developer community, it was the goal
9 of the project.

10 BY MS. VISHIO:

11 Q So does this accord with your
12 recollection of how MAPI was presented to the
13 outside world?

14 MR. RADER: Objection.

15 MS. VISHIO: What's your objection?

16 MR. RADER: There is no foundation.
17 Can you repeat the question?

18 (Question read back.)

19 MR. RADER: Objection: We don't
20 know if he has a recollection of that.

21 BY MS. VISHIO:

22 Q You've testified previously today
23 that MAPI was evangelized; is that correct?

24 A Yes.

25 Q So does this accord with your

1 allow you to send a message, this abstracted that
2 from the application or the client.

3 It could have been either an
4 application or a client, so it was not just
5 E-mail clients, but it was also applications.

6 Q Are you familiar with the Microsoft
7 code name Touchdown?

8 A I recognize it as a code name. I couldn't
9 tell you what product it was. I mean, you could
10 probably produce something to me that will help
11 me remember, but without aid of documents, I
12 don't remember.

13 (Exhibit Number 7 was marked.)

14 BY MS. VISHIO:

15 Q I'm handing you what has been
16 marked as Shurtleff Exhibit 7. This is a 16-page
17 document entitled Workgroup Technology Overview
18 of Office 95 and is Bates stamped MX 1142626 to
19 MX 1142641.

20 Do you recognize this document?

21 A Not specifically.

22 Q In your view, what is it?

23 A I don't know. It looks like a White Paper
24 overview, I don't know. So it looks like a
25 marketing document from the Word group -- or from

1 recollection of how MAPI was evangelized?

2 A It's consistent, yes.

3 Q In your view, sitting here today,
4 as you look at this document, independent of what
5 the actual document says, what does it mean when
6 you have a front-end MAPI-capable application
7 operating seamlessly with any MAPI-capable
8 back-end system?

9 A There is a number of examples that I could
10 give. The simplest would be you're using the
11 WordPerfect word processing program, and you say
12 send file, and MAPI then would be the mechanism
13 whereby that action would be translated so that
14 the back-end E-mail system, whatever it was,
15 could send it.

16 Q So does that mean that whatever
17 front-end application the user was using, the
18 user will have the same experience regardless of
19 what the back-end system being used is?

20 A Assuming the back-end system has the
21 capabilities. I mean, you can't print color on a
22 black-and-white printer, but you can print, so
23 there is a functional hierarchy, to use the
24 printing example, but the goal was, if you could
25 send a message -- if the back-end system would

1 the Office group.

2 Q Would this document have been
3 created in the ordinary course of business at
4 Microsoft?

5 A Yes.

6 Q If you turn to the sixth page of
7 the document, which is listed as page 22 in the
8 lower left-hand corner of the document, and is
9 Bates stamped MX 1142631, under the section
10 entitled Touchdown, the first sentence states,
11 "Touchdown is the code name for Microsoft's
12 messaging infrastructure and all of its component
13 pieces including the Touchdown server, the
14 Touchdown client (called Capone), the Touchdown
15 forms development tools and templates (Beavis and
16 Butthead), and MAPI."

17 Does this refresh your recollection
18 of what the code name Touchdown refers to?

19 A Actually, no. I can't tell you exactly
20 which server or which -- I can't recall if
21 Touchdown was a wrapper for a whole bunch of this
22 stuff or one of the specific components.

23 I mean, they are talking about it
24 being a server. I can't tell you if that was one
25 of the many code names for the Exchange server or

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1 if it was one of the last versions of the PC
2 server.
3 Q If you turn to the 12th page of the
4 document which is listed as page 28 in the lower
5 left-hand corner, it's Bates stamped MX 1142637,
6 under the section entitled Capone, the first
7 sentence reads, "Capone is the mail client
8 component of the Chicago explorer that has
9 versions for DOS, Windows16, Chicago, NT, and
10 Mac."

11 Does that accord with your
12 recollection of Capone?
13 A My recollection is Capone was the code
14 name for one of the E-mail clients. The rest of
15 this is then consistent, yes.

16 Q Will you turn to the 15th page of
17 the document which is listed as page 31 on the
18 lower left-hand corner, and is Bates stamped
19 MX 1142640. There is a heading that says
20 InfoCenter. Do you see that?

21 A Yes.

22 Q The third sentence in that
23 paragraph states, "So, when the user chooses
24 File/Open, they can see drives A, B, C, D, and
25 'InfoCenter' (their MAPI public folders)."

1 server?
2 A Yes, and it could have been a variety --
3 it could have been any number of implementations
4 that then provided it.

5 (Exhibit Number 8 was marked.)
6 BY MS. VISHIO:
7 Q I'm handing you what has been
8 marked as Shurtleff Exhibit 8. It appears to be
9 a three-page E-mail from Barry Briggs to
10 Michael Zisman and others dated January 4, 1995,
11 Subject: Exchange TR-3 announcement, and it's
12 Bates stamped IBM 7510138385 to IBM 7510138387.

13 Do you know what this document is?
14 A It looks like an internal IBM note.

15 Q Are you familiar with InfoWorld?

16 A It was a trade name -- trade magazine
17 paper. I'm trying to remember, I think it was
18 published every other week.

19 Q Did you read InfoWorld while you
20 were at Microsoft?

21 A Oh, I'm sure.

22 Q Under the E-mail text, have you
23 ever seen, before today, the InfoWorld article
24 that is in the main body of this E-mail?

25 A No. I mean, I may have. I have no idea.

1 What are MAPI public folders?

2 A Well, it's kind of a mix of terms.

3 Q How so?

4 A MAPI is the interface, and public folders,
5 then, are one of -- one of the areas that MAPI
6 abstracted where message stores and public
7 folders are a instantiation of a message store.

8 Q So what do they do?

9 A Public folders are stores of messages that
10 multiple users have access rights to.

11 Q Do you know how MAPI public folders
12 work?

13 A Well, the term here is, as I say, is kind
14 of -- one is the interface, and the other is the
15 storage mechanism, so I don't know -- I don't
16 know how it was being used in this context.

17 Q Well, independent of this document,
18 how did the -- how did the storage mechanism
19 work?

20 A Well, there were a variety of them so
21 that's -- there were personal -- there was your
22 personal folders on your machine, there were your
23 personal folders on a server, and there were
24 public folders that were on a server.

25 Q The public folders were on a

1 Q The first two sentences of the
2 article state, "Microsoft corp.'s Exchange next
3 month will move from specification to development
4 platform when the company ships the first fully
5 featured development kits for the planned
6 messaging server."

7 It then goes on to read, "The
8 Exchange Development Kit (EDK) that will ship in
9 January is intended for ISVs; but corporate
10 developers, who have taken a liking to
11 Microsoft's Visual Basic, will have to wait until
12 next summer at the earliest to get a kit that
13 supports their development platform of choice,
14 Microsoft said last week."

15 What is Exchange?

16 A It was a server, back-end, E-mail
17 back-end.

18 Q Did it have a client component?

19 A There -- at this point in time, the
20 client, which I believe is referred to in
21 previous documents as bullet -- I don't
22 remember -- I can't remember which.

23 By this point in time, the server
24 and client development were abstracted by MAPI.
25 So there -- you could have a variety of different

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1 clients, so to say, did it have a client, it
 2 could have been our client or somebody else's
 3 client.
 4 Q What is an Exchange development
 5 kit?
 6 A It was a set of documentation and
 7 libraries that allowed application developers to
 8 use the capability of the server.
 9 Q Will you turn to the second page of
 10 the article -- the document, rather -- the third
 11 full paragraph states, "Microsoft's plan to
 12 extend MAPI recently drew criticism from Lotus,
 13 which has now moved toward the API."
 14 Independent of this document, do
 15 you recall Microsoft announcing extensions to
 16 MAPI?
 17 A Vaguely. I mean, it -- I couldn't tell
 18 you when or how.
 19 Q What do you recall?
 20 A I mean, I can read things in, it will
 21 bring stuff back, but independent of the
 22 document, none of this stuff comes back. I mean,
 23 it was 15 years ago.
 24 Q Do you recall whether Lotus
 25 criticized Microsoft regarding these extensions?

1 MR. RADER: Objection. Where are
 2 you focusing?
 3 MS. VISHIO: The sentence that I
 4 just read, "The back-end store provider."
 5 THE WITNESS: It's the part of MAPI
 6 that talks to the server. You know, it's
 7 the piece of code that talks to MAPI that
 8 interfaces between the abstraction layer
 9 and the server.
 10 BY MS. VISHIO:
 11 Q The next paragraph reads, "Lobdell
 12 said Microsoft has extended MAPI in order to give
 13 Exchange and its client groupware capabilities
 14 such as public folders, which are folders that
 15 multiple users can access."
 16 Was there a product called Exchange
 17 Client?
 18 A I don't think so. I mean, there were
 19 clients, but I don't think there was a product
 20 called Exchange Client, but I don't recall.
 21 Q If an end user is supported by a
 22 back-end system other than the Exchange server,
 23 would they be able to get public foldering
 24 functionality?
 25 A If the back-end server had the capability

1 MR. RADER: Objection.
 2 THE WITNESS: No, I don't recall.
 3 They were competitors, so there was a lot
 4 of criticism.
 5 BY MS. VISHIO:
 6 Q Two paragraphs down the document
 7 reads, quote, "The back-end store provider has
 8 the capability to expose additional behavior to
 9 the front-end client, and there are people who
 10 have completely rewritten the front end," said
 11 Greg Lobdell, group product manager, Business
 12 Systems Division at Microsoft."
 13 Who was Greg Lobdell?
 14 A He was one of the marketing guys.
 15 Q What is the business system
 16 division at Microsoft?
 17 A Oh, God knows. It was one -- I mean,
 18 again, names and groups of people moved around on
 19 a regular basis, so I -- my best recollection is
 20 the business systems division was the group that
 21 was the name for the organization that included
 22 the E-mail server group.
 23 Q In the context of this article,
 24 sitting here today, what is your interpretation
 25 of what a store provider is?

1 and it was exposed through the service provider,
 2 yes.
 3 (Exhibit Number 9 was marked.)
 4 BY MS. VISHIO:
 5 Q Handing you what has been marked as
 6 Shurtleff Exhibit 9, it is a one-page article
 7 purportedly from PC Week dated March 13, 1995,
 8 and entitled ISVs irate over private MAPI 1.0
 9 extensions. It is Bates stamped IBM 7510251896.
 10 Do you recognize this article?
 11 A No.
 12 Q What is PC Week?
 13 A Again, it was -- it was a different -- we
 14 talked about InfoWorld before, this was their
 15 competitor, PC Week was a weekly trade magazine.
 16 Q Did you read PC Week while you were
 17 employed at Microsoft?
 18 A Sure.
 19 Q The second full paragraph
 20 references Groupware '95. What is Groupware '95?
 21 A I would assume it was a conference.
 22 Q Do you recall whether you attended
 23 that conference?
 24 A I don't remember.
 25 Q The same paragraph also references

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1 Greg Lobdell. Is that the same Greg Lobdell to
 2 whom we were referring earlier?
 3 A Yes.
 4 Q Independent of this article, is
 5 private the same thing as proprietary?
 6 MR. RADER: Objection.
 7 THE WITNESS: No.
 8 BY MS. VISHIO:
 9 Q What's the difference?
 10 A It depends on the context.
 11 Q Does private mean that those
 12 extensions would not be published?
 13 A Yeah, I think you can infer that. I mean,
 14 your source material here is from a trade
 15 magazine written by a reporter that doesn't
 16 necessarily understand any of this stuff, so I
 17 think treating it as factual is really suspect,
 18 having worked -- having dealt with the press in
 19 the past, and as you can see from the discussion
 20 we've had, this stuff is very complicated, so to
 21 assume their wording means anything is really not
 22 a good idea.
 23 Q Independent of this article, in
 24 your view, did the fact that the MAPI extensions
 25 were private fit in with the way Microsoft was

1 Q Could you please restate my
 2 question and his initial answer.
 3 (Question and answer read back.)
 4 (Discussion off the record.)
 5 (Question read back.)
 6 THE WITNESS: I don't know -- I
 7 don't have -- I don't -- I cannot clearly
 8 recall when things were published and when
 9 they weren't. If something was in MAPI,
 10 by definition, it became public.
 11 Obviously, the first time somebody
 12 wrote up the definition for a function of
 13 how to extract data for the calendar, it
 14 wasn't yet public because it wasn't yet
 15 done.
 16 So there may have been a point in
 17 time while discussing how do you expose
 18 calendaring, like how do you expose color,
 19 that there was work done that was
 20 appropriately private, but then once
 21 things were put in the spec and published,
 22 then they became public.
 23 There was not, kind of, this in
 24 between where there were things in the
 25 public spec that were private. That's

1 evangelizing MAPI?
 2 MR. RADER: Objection --
 3 THE WITNESS: I don't know --
 4 MR. RADER: -- no foundation.
 5 THE WITNESS: Start over again.
 6 MR. RADER: He answered the
 7 question.
 8 (Discussion off the record.)
 9 MR. RADER: I objected that there
 10 was no question.
 11 MS. VISHIO: Please restate the
 12 question.
 13 (Question read back.)
 14 MR. RADER: And I objected there
 15 was no foundation. And then he answered,
 16 which should also be on the record.
 17 THE WITNESS: Am I supposed to
 18 answer? I don't know what question I'm
 19 being asked.
 20 MR. RADER: His answer was -- I'm
 21 going to say, his answer was: I didn't
 22 know they were private. That's what he
 23 said. You can answer it again if you
 24 want.
 25 BY MS. VISHIO:

1 not -- that doesn't make any sense to me.
 2 BY MS. VISHIO:
 3 Q Just so we're clear, are you saying
 4 that the MAPI extensions were not part of MAPI?
 5 A I don't remember what was in the MAPI
 6 extensions. There was a 1.0 release of the spec,
 7 and then there was subsequent work done, and I
 8 can't tell you the timeline of when it was
 9 released and when it was published.
 10 Q What interaction, if any, did the
 11 extensions have with MAPI?
 12 A I don't recall. I mean, you can think of
 13 extensions as version 2. I mean, all of a
 14 sudden -- between -- between the time this effort
 15 was started and, you know, it was a multi-year
 16 effort, the capabilities of the system grew a
 17 lot, so you wanted to then provide capabilities
 18 for additional abstraction of additional data
 19 types like calendaring, and to kind of -- I'm
 20 done.
 21 MS. VISHIO: Let's go off the
 22 record.
 23 THE VIDEOGRAPHER: We're off the
 24 record at 9:54 a.m.
 25 (A recess was taken.)

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1 THE VIDEOGRAPHER: We are back on
2 the record at 10:04 a.m. and this is the
3 start of Tape 3.

4 BY MS. VISHIO:

5 Q Mr. Shurtleff, turning to the
6 exhibit that was in front of you prior to the
7 break, the second paragraph reads, "The
8 controversy erupted at Groupware '95 here last
9 week after Greg Lobdell, group manager for
10 Microsoft's business systems division, told
11 conference attendees that the company is
12 developing extensions to the Messaging API that
13 it does not plan to publish."

14 Does this statement accord with
15 your recollection?

16 A I don't have a recollection.

17 Q The fifth paragraph down in that
18 article states, "The latest software development
19 kit for MAPI 1.0, which began shipping last
20 month, does not include any unpublished
21 extensions, said Lobdell. However, he
22 acknowledged that MAPI 1.0's features are not yet
23 frozen."

24 Does this paragraph accord with
25 your recollection?

1 A No.

2 Q Do you agree with Mr. Papows'
3 statement?

4 A No.

5 Q Why not?

6 A Well, I don't have enough -- the API was
7 going to evolve over time, and that's different
8 than saying it's baiting and switching, so I
9 don't think that that statement matches the
10 facts, and, you know, his job was particularly in
11 the -- in the press to cast as much doubt on the
12 work that was being done as possible from a
13 competitive standpoint so, I mean, had he his own
14 agenda.

15 Q The next paragraph reads, quote,
16 "We're outraged," said Stewart Nelson,
17 vice president of research and development for
18 Novell." Quote, "'They've been telling us for
19 two years that this is a standard, and now
20 they're waffling,'" end quote.

21 Did you have any contact with
22 Stewart Nelson in your responsibilities at
23 Microsoft?

24 A Not that I recall.

25 Q Do you agree with Mr. Nelson's

1 A It doesn't provide enough data for me to
2 know. I mean, I don't know if it was a beta
3 version that was shipped -- I'm presuming it was
4 a beta version that was shipped last month, so
5 being that it's not frozen is consistent.

6 Q The next paragraph reads, "Last
7 fall, messaging vendors including Novell Inc. and
8 Lotus Development Corp. agreed to provide support
9 for MAPI 1.0 in addition to their respective
10 specifications."

11 Does that accord with your
12 recollection?

13 A Yeah, at this time Novell and Lotus were
14 using multiple sets of APIs. They were using
15 their own way of doing things and they were
16 writing the MAPI.

17 Q At the top of the second column of
18 the article, it states, quote, "It's either an
19 open standard or it isn't," end quote, "said Jeff
20 Papows, vice president of Lotus' communications
21 division, in Cambridge, Mass." Quote, "It's just
22 another bait-and-switch, with Microsoft changing
23 the rules of the game as they wish," end quote.

24 Did you have any contact with Jeff
25 Papows in your responsibilities at Microsoft?

1 statement?

2 MR. RADER: Objection.

3 THE WITNESS: Again, it's -- he's
4 characterizing an -- he's characterizing
5 an evolution of the API in a way that I do
6 not think is correct.

7 I also, to be clear, don't recall
8 and would question the quote of Lobdell's
9 that there were going to be private
10 extensions because that's just completely
11 inconsistent, and I don't know if that's
12 because Greg misspoke, or if it's because
13 he was misquoted.

14 And taking any of this from Paula
15 Rooney as fact is just dubious.

16 BY MS. VISHIO:

17 Q The next paragraph reads, "In the
18 wake of last week's furor, Lobdell said the
19 extensions he referred to are not MAPI APIs, but
20 properties of applications that the company is
21 developing for its Exchange Server messaging
22 platform." Does this accord with your
23 recollection?

24 A It's certainly a clarification that's
25 consistent with what I just said, and I hadn't

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1 read this when I just said it, so --

2 (Exhibit Number 10 was marked.)

3 BY MS. VISHIO:

4 Q Handing you what has been marked as

5 Shurtleff Exhibit 10, it is a one-page article

6 purportedly from InfoWorld dated March 13, 1995

7 and entitled Lotus, Novell say Microsoft is

8 hiding MAPI extensions. It's Bates stamped

9 IBM 7510251895.

10 Do you recognize this article?

11 A No.

12 Q The seventh paragraph down reads,

13 "'Microsoft is producing the Exchange server and

14 client,'" end quote, "said Barry Briggs, senior

15 architect in the Lotus Communications group.

16 Quote, "'What those two products offer jointly is

17 a superset of the standard API. Out of the box,

18 aren't we seen as noncompliant and substandard?'"

19 end quote.

20 Did you have any contact with

21 Barry Briggs in your responsibilities at

22 Microsoft?

23 A Not that I recall.

24 Q Do you agree with Briggs'

25 statement?

1 to third-party developers.

2 Q Do you agree with Fay's statements

3 here?

4 A Yes. I mean, again, back to the printer

5 analogy, you could -- MAPI wouldn't tell you how

6 to specify color, but you could pass a color

7 definition through that the printer understood to

8 mix MAPI and the printer analogy.

9 Q Do you know whether MAPI public

10 folders were available through the MAPI

11 extensions?

12 A I don't remember.

13 Q Do you know whether the extensions

14 gave Microsoft's Exchange client more

15 functionality when paired with Microsoft's

16 Exchange server as opposed to another back-end?

17 A Again, what you pass through the pipe

18 depended on what was in the back-end, so Lotus's

19 note server had capabilities you could access

20 through MAPI that were different than the

21 capabilities you could access on an Exchange

22 server. MAPI was just the interface.

23 Q The last statement that I read from

24 Mr. Fay, "We are using MAPI the way it is

25 designed to be used," in your view, how do you

1 A It doesn't make any sense to me.

2 Q Why not?

3 A The second statement is -- just doesn't

4 make any sense. What these two products offer

5 jointly is a superset of the standard API, okay,

6 that may be true. Out of the box aren't we seen

7 as noncompliant and substandard, I don't know

8 what that means.

9 Q In the second column, the first

10 full paragraph states, quote, "'There is nothing

11 that is undocumented in MAPI,'" end quote, "said

12 Dan Fay, technical evangelist for messaging at

13 Microsoft." Quote, "'What we are doing is

14 providing properties that are available on the

15 server, that are not inherent to MAPI itself. We

16 are using MAPI the way it is designed to be

17 used,'" end quote.

18 Who is Dan Fay?

19 A My recollection is -- aided by this, is he

20 was one of the folks in the evangelism group.

21 Q Did you work with him?

22 A I probably did, I don't recall him.

23 Q What is a technical evangelist?

24 A There was a group of people whose job was

25 to provide both marketing and technical support

1 interpret that statement?

2 A It sounds like he's reacting to the

3 controversy that Greg kicked off, rightly or

4 wrongly, about having proprietary extensions as

5 opposed to passing data through that is specific

6 to the back-end.

7 Q We've been discussing MAPI

8 extensions, but we haven't defined what an

9 extension is. What is an extension?

10 A I don't know how the term was being used

11 in this whole context so I can't answer that.

12 Q In the context of MAPI in general,

13 could you answer it?

14 A Well, it's a pretty loaded term so I don't

15 think I want to speculate.

16 Q Well, how would you interpret MAPI

17 extensions?

18 A Well, I don't know if they were -- if it

19 was being used to talk about the data attributes

20 being passed through MAPI, or if it was being

21 used to describe a set of new generic

22 capabilities in a second version.

23 Q Are both those accurate?

24 A They both could -- syntactically, yeah,

25 but, I mean, I don't know which -- I don't know

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1 how -- I don't remember enough about what was
2 going on here to know which it was being talked
3 about.

4 Q You called it a loaded term. What
5 did you mean by that?

6 A Well, it's being used both -- in these
7 press releases as something that was bad in one
8 case, like things that were -- the term extension
9 is being used in the first press article as if
10 there were functions in the API which were not
11 being made available to all users of the API, as
12 opposed to functions in the API which were not
13 complete yet and had not been published, and were
14 to be published, or conversely, to talking about
15 the data that was being passed through, which you
16 could do -- could be -- it's just -- the term is
17 too generic, it doesn't -- doesn't provide enough
18 meaning.

19 Q Is it inaccurate to say if there
20 were -- if there are functions in the API which
21 were not being made available to all users of the
22 API, is that an incorrect statement?

23 MR. RADER: Objection: Form.

24 THE WITNESS: I don't understand
25 the question.

1 A I don't know. I mean, if you have a
2 document that says these are the MAPI extensions,
3 I can tell you whether or not I think that
4 document is accurate. I can't tell you,
5 independent of that, what -- what the term meant.

6 Q Okay. Without speculating on what
7 was meant by the author of the article, when you
8 said, "The term extension is being used in the
9 first press article as if there were functions in
10 the API which were not being made available to
11 all users of the API" --

12 A Right, that's this comment -- referring to
13 the comment in paragraph 2 of the PC Week article
14 where Lobdell is purported to say there are
15 extensions being developed which does not -- do
16 not plan to be published, that statement, which
17 seems to be the crux of this issue, does not make
18 sense to me, and you see him later clarify that.

19 So I don't know if he was
20 misquoted, which easily could have happened,
21 knowing the quality of these reporters, so that's
22 what I was referring to.

23 Q Do you know Paula Rooney?

24 A Yes, I did.

25 Q Who was she?

1 BY MS. VISHIO:

2 Q Well, you had just testified that
3 it could -- it was being interpreted in several
4 different ways.

5 MR. RADER: Objection: Form.
6 Misstates prior testimony.

7 MS. VISHIO: Allow me to ask my
8 question.

9 BY MS. VISHIO:

10 Q Which statement is accurate?

11 A I don't know. I mean, I can't tell you
12 what they meant in using the term "extension."

13 What I was trying to do there was
14 define the different ways in which it could be
15 used, not picking one or the other.

16 Q So are all the examples you gave
17 ways in which it could be used?

18 A All of which would have been -- yes, all
19 of which would have been accurate, but which are
20 different. I mean, it's -- the term could be
21 used for a number of different things, and so to
22 say it means this, when I don't have all the
23 context, is not appropriate.

24 Q In your view, what functionality
25 did MAPI extensions provide?

1 A She was a reporter for PC Week. She was
2 not the sharpest tool in the shed. She got paid
3 for generating controversy. This was perfect for
4 her.

5 Q If the initial sentence -- excuse
6 me, if the initial statement that Greg Lobdell
7 made that we were just referring to were true,
8 why was that a problem?

9 MR. RADER: Objection: Form.

10 THE WITNESS: It's inconsistent
11 with what I believe we were doing, and it
12 certainly was in a time of kind of
13 competitive frenzy around this, and not
14 something that was helping get people
15 behind a common API.

16 BY MS. VISHIO:

17 Q Is that why ISVs were upset?

18 MR. RADER: Objection: Foundation.

19 THE WITNESS: I don't know why -- I
20 mean, these were three very competitive
21 companies in the time, and they objected
22 to what one another did all the time.

23 (Exhibit Number 11 was marked.)

24 BY MS. VISHIO:

25 Q I'm handing you what has been

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1 marked as Shurtleff Exhibit 11. It is a two-page
2 E-mail from Michael Zisman to Rob Shurtleff dated
3 March 14, 1995 and it's Bates stamped
4 IBM 7510131531 to IBM 7510131532.

5 Are you familiar with this E-mail?
6 A No.

7 Q What does it appear to be to you?

8 A A follow-up from Mike about this
9 controversy.

10 Q You are listed in the To line. Do
11 you recall receiving this E-mail?

12 A No, but I'm sure I did.

13 Q What is Michael Zisman?

14 A He was one of the executives at Lotus, is
15 my recollection.

16 Q Have you had a chance to review the
17 document?

18 A (Perusing.) Okay.

19 Q In your view, what is Mr. Zisman
20 writing to you about?

21 A The statement that Greg Lobdell made at
22 Groupware.

23 Q If you look at the second full
24 paragraph on the first page, and I'll direct your
25 attention to the bottom half of that paragraph,

1 Q Would you have received this E-mail
2 in the ordinary course of your business at
3 Microsoft?

4 A Probably, yeah.

5 Q Do you recall Novell contacting
6 Microsoft with concerns similar to Zisman's?

7 A No, but I didn't remember this one either.

8 Q Would you agree that Mr. Zisman
9 here is concerned that Microsoft's extensions
10 will impair interoperability between the Exchange
11 Client and other ISVs back-end messaging systems?

12 MR. RADER: Objection to form.

13 THE WITNESS: No.

14 BY MS. VISHIO:

15 Q Why not?

16 A Because the capabilities -- every -- there
17 were capabilities in the Notes back-end that
18 could have been exposed through MAPI that their
19 client could have taken advantage of, again,
20 using the analogy of color, that our client might
21 not have been able to do. That was part of what
22 the API allowed you to do.

23 So the -- the kind of different
24 back-ends provided different capabilities, and
25 obviously, if your client didn't present some of

1 do you see the sentence that starts, "My bottom
2 line is this"? It would be the ninth line from
3 the top -- from the bottom?

4 A Yeah.

5 Q Mr. Zisman writes, "My bottom line
6 is this: If it is true, as a result of the
7 extensions you are making, that your SPIs (i.e.,
8 exchange) can do a better job of servicing your
9 client, because there is information known only
10 to your client and your server. Then MS is
11 operating in a manner totally inconsistent with
12 the basis on which MAPI was promulgated to the
13 industry."

14 A Fine.

15 Q What do you interpret this
16 statement to mean?

17 A It's not inconsistent with what I said
18 before, is that MAPI -- the question was is
19 whether or not there were private functions that
20 were going to be used in the API, which I don't
21 believe there were, and because MAPI was
22 presented and developed as a cooperative effort.

23 It's not -- the statement is not
24 inconsistent with what I thought we did at the
25 time, or my recollection of it.

1 the capabilities of that back-end, then you
2 weren't going to be able to take advantage of it.

3 Q In your responsibilities at
4 Microsoft, did you personally have contact with
5 Novell regarding MAPI?

6 A I might have, I don't remember.

7 Q Do you remember anyone specifically
8 whom you might have talked to?

9 A No.

10 (Exhibit Number 12 was marked.)

11 BY MS. VISHIO:

12 Q And I'm handing you what has been
13 marked as Shurtleff Exhibit 12. It is a two-page
14 E-mail from Michael Zisman to Len Kawell and
15 others dated March 15, 1995, Subject: MAPI
16 Discussion with Microsoft, and Bates stamped
17 IBM 7510251973 to IBM 7510251974.

18 Please take a moment and review
19 this document.

20 A (Perusing.) Okay.

21 Q The first sentence of this E-mail
22 states, "I had two long conversations today with
23 Rob Shurtleff, GM of the Workgroup Solutions Unit
24 (Exchange, etc.) here at Microsoft about the,
25 'proprietary extensions to MAPI' issue that has

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1 been raised in the press."
 2 Do you recall ever discussing
 3 proprietary extensions to MAPI with Michael
 4 Zisman?
 5 A I don't recall but I'm -- given all this
 6 material, I'm sure I had this conversation.
 7 Q Do you recall this specific
 8 conversation to which Michael Zisman refers in
 9 this E-mail?
 10 A No.
 11 Q The second full paragraph and the
 12 first two sentences of the third paragraph state,
 13 "The basic mail client bundled with Win'95
 14 delivers a set of functions that are completely
 15 covered by MAPI, as published. MS has not added
 16 any, 'secret' MAPI calls, nor has it defined
 17 properties that are unpublished and known only to
 18 its client and its server.
 19 "What it has done, and according to
 20 Rob is old news and well documented, is the
 21 following. The client is extensible."
 22 Is it correct that the mail client
 23 bundled with Windows '95 was extensible?
 24 A I don't recall.
 25 Q In your view, what does it mean in

1 the tool bar?
 2 A I don't understand the question.
 3 Q Well, what does it mean that a
 4 service provider can extend the client?
 5 A Well, this --
 6 MR. RADER: Objection -- I just
 7 object, vague. Go ahead.
 8 THE WITNESS: One of the things
 9 that made MAPI compelling was it allowed
 10 individual competitors to innovate and
 11 expose those back-end innovations on the
 12 client.
 13 BY MS. VISHIO:
 14 Q And by "SP," we're referring to
 15 service providers, correct?
 16 A Correct, so the server vendors or the
 17 capabilities that were delivered on the server
 18 side of a product.
 19 Q And then that last sentence of that
 20 paragraph where it talks about the UI, does the
 21 UI refer to the user interface?
 22 A User interface on the client.
 23 Q On the client. What does it mean
 24 that the SP directly supplies its own UI?
 25 A Back to the example of color, if the

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1 this context that the client was extensible?
 2 A Well, there is an example given further
 3 down of how the client -- how a service provider
 4 can expose functionality through the client, so
 5 if notes or Groupware or Exchange -- GroupWise or
 6 Exchange have a capability in the server that the
 7 vendor would like to expose in the client, there
 8 was a mechanism to do that.
 9 Q You mentioned GroupWise, what is
 10 that?
 11 A That's the Novell product of this age, I
 12 believe, which for some reason isn't in any of
 13 these documents, but --
 14 Q Continuing on in that paragraph, it
 15 says, "A service provider (SP) when being loaded,
 16 can extend the client by instructing MAPI (or
 17 perhaps the client directly) to add menu items or
 18 icons to the toolbar. When the user selects
 19 these items (which at this point appear to be
 20 part of the client) MAPI passes that event to the
 21 SP. The SP then directly supplies its own UI by
 22 opening a window and interacting with the user."
 23 In your view, what does it mean
 24 that a service provider can extend the client by
 25 instructing MAPI to add menu items or icons to

1 back-end had a notion of color and the client
 2 doesn't, they could provide a dialogue where you
 3 could pick things to be red or blue or green,
 4 thus making your product more competitive.
 5 Q Well, does this mean that the
 6 functionality the user sees actually resides in
 7 the service provider?
 8 A I don't know what resides means. Is
 9 provided by.
 10 Q The service provider?
 11 A (Nodding.)
 12 Q So it is not provided by the
 13 server; is that correct?
 14 A Us -- use service provider and server
 15 synonymous. They are the same. The service
 16 provider is the module that plugs into the
 17 server.
 18 Q Well, would the -- would the end
 19 user only have access to this added functionality
 20 if its back-end was an Exchange server?
 21 A No, it would work with anybody's, assuming
 22 they provided it. This was a mechanism that was
 23 designed to allow servers to expose their unique
 24 capabilities on the client.
 25 Q And without the service provider,

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1 would the user have access to these functions?
 2 A If the -- I'm not sure -- without the --
 3 without the server vendor providing code that
 4 talks to MAPI, they wouldn't see them, no, if
 5 they wanted to use this client.
 6 Q If you look at the fifth paragraph
 7 down, in the second sentence Mr. Zisman states,
 8 "This is not what the world expected, in my
 9 opinion, when MS was evangelizing MAPI."
 10 Do you agree with this statement?
 11 A I don't know. I mean, it's his statement.
 12 Q But do you agree with it?
 13 MR. RADER: He just -- objection:
 14 Asked and answered.
 15 THE WITNESS: I -- I can't speak to
 16 whether or not this is what Lotus
 17 expected.
 18 BY MS. VISHIO:
 19 Q Mr. Zisman states a little further
 20 down in the middle of the next paragraph, "Hence,
 21 when someone 'replaces the Exchange server' with
 22 their own server and SPs, by removing the
 23 Exchange SPs you are, in effect, removing part of
 24 the client and you must replace that part of the
 25 client with new UI code that presumably has

1 has different things, you're going to expose
 2 different things, it's just --
 3 Q If you look at the next paragraph
 4 down --
 5 A Starts with what word?
 6 Q Continuing.
 7 A Okay.
 8 Q And you go to the middle of that
 9 paragraph, there is a sentence that begins with
 10 "With" on the far right-hand side. Do you see
 11 that?
 12 A Um-hmm.
 13 Q Zisman states, "With the approach
 14 that MS has taken, when we replace the Exchange
 15 SPs, the UI code that deals with out-of-office is
 16 gone, and the only way that we can provide the
 17 same function to the user (who views the
 18 out-of-office dialogue box as part of the client)
 19 is to write UI code in our SP that provides this
 20 dialogue box."
 21 Is it true that the UI code that
 22 deals with out-of-office is gone when the
 23 Exchange SPs are replaced?
 24 A Yeah, because it's provided by the server
 25 and delivered through the service provider.

1 precisely the same look and feel as the MS code
 2 being replaced. You cannot replace the server
 3 without replacing part of the client."
 4 A No, I don't think that's true.
 5 Q Why not?
 6 A To his example, out-of-office, if
 7 out-of-office capability is being provided by the
 8 Exchange server and delivered to the client
 9 through the MAPI extension capability, that's a
 10 server side capability, marking -- because the
 11 behavior all occurs on the server. All you're
 12 putting on the client is the ability to check a
 13 box that says I'm on vacation, but all the
 14 processing occurs on the backside.
 15 If Lotus had a different way of
 16 doing that, they had the ability to say, I'm at a
 17 meeting, or I'm on vacation, or I'm on maternity
 18 leave. As attributes of their server, they would
 19 want to provide different UI to allow the user to
 20 interact with those capabilities.
 21 They could have a superset, they
 22 could have subset, it's a server side set of
 23 functions that are being exposed on the client
 24 side through this extension mechanism.
 25 So if your server doesn't have --

1 Q So is it true that the only way to
 2 get that same function is for the user to write
 3 the UI code in the SP that provides the
 4 out-of-office dialogue box?
 5 A Any server side functionality that's
 6 unique to any of the competitors that you want to
 7 expose in the client, this is how you do it. I
 8 mean, this is a good thing.
 9 Q So if we assume that the front-end
 10 is the Exchange client, would the replacement of
 11 the Exchange server with a different back-end
 12 also remove the out-of-office UI code?
 13 MR. RADER: Objection: Vague.
 14 BY MS. VISHIO:
 15 Q Do you understand the question?
 16 A Well, let's -- let me rephrase it.
 17 The client has a bunch of common
 18 capabilities, think of it as a subset, that work
 19 with almost all the back-ends from the various
 20 different vendors.
 21 Each of those vendors is going to
 22 have unique capabilities that aren't available in
 23 the client, so this is then a mechanism that you
 24 can then provide a user interface for those
 25 capabilities.

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1 Q How would you provide it?
2 A Through the service provider interface,
3 through your own code that goes with the fact
4 that you do out-of-office and somebody else
5 doesn't, or in Lotus's case, that you do a bunch
6 of Groupware things that Exchange didn't do.

7 Q In the next sentence, Zisman
8 states, "As MS adds new functions to the 'client'
9 by embedding them in the server, all competitors
10 will need to rework their SPs even though they
11 may already have this function in their server
12 and in their client."

13 A That is not true.

14 Q How is that not true?

15 A Because there is a presumption -- well,
16 the question is, what are the base set of
17 features in the client here, so use out-of-office
18 as an example.

19 In MAPI 1.0 out-of-office wasn't
20 specified. In the development of the MAPI 4.0
21 spec, which is one that never existed, by
22 example, the process would have been to get
23 together with the major vendors and say, what
24 capabilities should we provide as standard
25 capabilities?

1 Out-of-office might have been one
2 of those things, and everybody would agree it
3 would go into this new version, and at that point
4 people would need to change things.

5 But if Microsoft did their own
6 extensions on their server, or Lotus did their
7 own extensions on their server, it didn't require
8 anybody else to do anything they didn't want to
9 do. I mean, they could do what they -- each
10 individual vendor could build back-end specific
11 capabilities and deliver them through this
12 mechanism.

13 Q But, as it stood with MAPI 1.0, was
14 Zisman's statement correct?

15 A No. I mean, he -- the client was fixed
16 already, so the statement isn't about 1.0.

17 Q Why do you say that?

18 A Because his statement says, "As MS adds
19 new functions to the client," that -- that --
20 that implies future versions, if you're adding
21 them to the client.

22 Q Is that referring to extensions?

23 A No. That's referring to base
24 functionality, the core functionality that's
25 available on every client, not mechanisms that

1 are provided to extensions, is my interpretation.
2 I mean, he's mixing them, he says
3 as they add new functions to the client by
4 embedding them in the server, then they are
5 Exchange-specific extensions. As he adds new
6 stuff to notes, he exposes it the same way. We
7 could decide to compete or not compete.

8 Q And with respect to out-of-office,
9 then, is that statement true?

10 A Yes. My recollection is yeah,
11 out-of-office, by example, was an Exchange server
12 feature. It was not in the base client. If they
13 want to have an out-of-office, they can have an
14 out-of-office, they can have a better
15 out-of-office than we had.

16 Q Turning to the next page of the
17 document, the second sentence at the top,
18 Mr. Zisman writes, "I think this is a very
19 serious problem and in inconsistent with the
20 position MS has tried to take with MAPI providing
21 a level playing field by allowing the customer to
22 make independent client and server decisions."

23 Do you agree with this statement?

24 A No, I don't think it's true.

25 Q Why not?

1 A Because I think it delivers the ability
2 for people to make independent client and server
3 distinctions.

4 Q Well, let's look at the first
5 sentence of that paragraph which says, "In
6 effect, MS creates a lock-in between their 'free'
7 client and the Exchange server."

8 Do you agree with that statement?

9 A No.

10 Q Why not?

11 A Because I don't think it's true.

12 Q What's wrong with that statement?

13 A Use out-of-office as your example.

14 Out-of-office is not available in the free
15 client. It is an Exchange server capability.

16 It's not being -- the API then
17 provided a mechanism to deliver that, or for Mike
18 to deliver any Lotus Notes capability through the
19 same mechanism to compete.

20 What would have been a lock was if
21 there was an out-of-office capability in the
22 client that only talked to Exchange, that would
23 have been a lock. This is not a lock.

24 (Exhibit Number 13 was marked.)

25 BY MS. VISHIO:

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1 Q I'm handing you what has been
2 marked as Shurtleff Exhibit 12. Excuse me, I
3 think we're on 13, correct? As Shurtleff
4 Exhibit 13, it is a seven-page Lotus memorandum
5 from Michael D. Zisman to Jim Manzi, Subject:
6 Microsoft MAPI, dated March 23, 1995 and Bates
7 stamped IBM 7510251964 to IBM 7510251970.

8 Please review this document, but
9 I'm going to be focusing my substantive questions
10 on the first couple pages and the last page.

11 A (Perusing.) Okay.

12 Q In the first paragraph under the
13 section entitled History, the third sentence that
14 starts, "In early 1992," do you see that?

15 A Um-hmm.

16 Q Mr. Zisman states, "In early 1992,
17 there were a number of public debates between MS
18 and Lotus; the most visible was sponsored by the
19 EMA and was held in NYC in May 1992."

20 Were you present for any of those
21 debates?

22 A I don't remember.

23 Q Do you recall being involved in any
24 way?

25 A Well, I was certainly involved in

1 What is Notes?

2 A Notes was Lotus's Groupware platform and
3 cc:Mail was their E-mail platform.

4 Q Does this statement accord with
5 your recollection?

6 A I don't recall when they shipped VIM. VIM
7 was a very simple API, so getting it done in a
8 year might have been easy to do.

9 Q Are you familiar with the term
10 "vaporware"?

11 A Yes.

12 Q What is vaporware?

13 A It's usually defined to be the announcing
14 of software before it's ready.

15 Q Would you characterize VIM as
16 vaporware?

17 A I don't know when it was announced and
18 when it was shipped.

19 Q You do recall that VIM was shipped,
20 though, correct?

21 A I believe it was, but I don't -- I can't
22 tell you when or on what platforms.

23 Q Okay. If we turn to the last page
24 of the document, which is the seventh page of the
25 document, it's Bates stamped IBM 7510251970, the

1 electronic mail association. I just don't know
2 if I -- if that was something I was doing in
3 1992.

4 Q The next paragraph, first sentence,
5 states, "During 1992, MS aggressively evangelized
6 MAPI as an industry standard."

7 Does that statement accord with
8 your recollection?

9 A Yes.

10 Q Do you recall whether one of
11 Microsoft's main selling points for MAPI was that
12 it facilitated interoperability between messaging
13 and systems?

14 A Yes, well, between clients and back-ends
15 and applications and messaging. Early on, it was
16 mainly about applications and messaging systems
17 back to the example of being in a word processor
18 and being able to E-mail the document from right
19 within the word processor.

20 Q On the second page, the second full
21 paragraph, the first sentence states, "In
22 contrast to the interminable delays of MAPI,
23 Lotus indeed delivered VIM capability in 1992,
24 and it has been supported in both Notes and
25 cc:Mail for some time."

1 second sentence of the second full paragraph on
2 that page.

3 A Starting with "From my perspective"?

4 Q Actually, the next paragraph in
5 that second sentence, "By virtue of." Do you see
6 that?

7 A Okay.

8 Q Mr. Zisman writes, "By virtue of a
9 unique interaction between the free MS client and
10 the Exchange server, MS has a built-in advantage
11 for its server both in time to market (i.e., we
12 must duplicate code implemented in the Exchange
13 server and we cannot do that until the Exchange
14 server is in-market) and in terms of cost (i.e.,
15 we will need to do some things twice due to the
16 fact that we will need to replicate function
17 already in our server to our service provider)."

18 Is it accurate that Lotus could not
19 duplicate code implemented in the Exchange server
20 until Exchange is released?

21 A No.

22 Q What's wrong with that statement?

23 A If you're exposing back-end capabilities
24 of your server, you can do that anytime you want.

25 If you need to match a competitor's

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1 feature, and you don't know about it, then
2 obviously you can't start to respond until you
3 know about it, but that doesn't have -- those are
4 two different problems.

5 Q So if Microsoft were to release
6 Exchange, Lotus would necessarily be later to
7 market if it could only implement that code after
8 Exchange is released?

9 A No. I mean, they had things at this time
10 that we didn't have that they could implement
11 quite competitively.

12 He's implying a hook that's not --
13 that's not there, or dependency that's not there.

14 Q If you wanted to implement this
15 same function, would Lotus have needed to wait
16 until Exchange is released?

17 A No.

18 Q Why not?

19 A Because they were in complete control of
20 their service provider and their server, so they
21 could deliver that capability through the
22 extension mechanism anytime they wanted to.

23 MS. VISHIO: Let's go off the
24 record.

25 THE VIDEOGRAPHER: We're off the

1 A The code for collecting that data, yes.

2 Q And if you remove the Exchange
3 server, would the Exchange client be able to
4 access the UI for out-of-office code?

5 A No.

6 Q So to replicate exactly the
7 experience between the Exchange client and the
8 Exchange server with a different back-end, would
9 the new back-end vendor need to write identical
10 UI code in the new back-end?

11 A Yes.

12 Q And does the interaction between
13 the Exchange server and the Exchange client go
14 through MAPI?

15 A Yes.

16 Q Okay.

17 (Exhibit Number 14 was marked.)

18 BY MS. VISHIO:

19 Q I'm handing you what has been
20 marked as Shurtleff Exhibit 14. It is a
21 three-page article from Computerworld dated
22 June 9 -- June 5, 1995, and entitled Microsoft
23 accused of MAPI secrets Novell, Lotus cite foul
24 play; messaging interface specifications not
25 revealed. It's Bates stamped MS-PCA-IA-EC 111852

1 record at 10:57 a.m.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: We're back on
4 the record at 11:08 a.m. and this is the
5 start of Tape 4.

6 BY MS. VISHIO:

7 Q I just want to go back and clarify
8 for a moment so that I'm understanding what you
9 were saying before.

10 The Exchange server has
11 out-of-office in its code, correct?

12 A Correct, so to be -- to help your
13 understanding, so if you send me a message, and
14 my computer is turned off, the server generates
15 that response to you to tell you that I'm not
16 around.

17 Q And so the server relays the code
18 to the Exchange client; is that correct?

19 A The server relays the code that allows the
20 end user to specify inputs to this function,
21 like, I'm on vacation, I'll get back to you when
22 I return. That then gets loaded up to the server
23 so the server can make the response.

24 Q And the user sees the out-of-office
25 in the Exchange client?

1 through MS-PCA-IA-EC 111854.

2 What is Computerworld?

3 A Yet another trade publication.

4 Q Did you read Computerworld while
5 you were working at Microsoft?

6 A Yes. I think it was monthly, though.

7 Q Do you recall reading this
8 particular article?

9 A No.

10 Q If you look at the fourth
11 paragraph, the last sentence, the article states
12 that "Novell claims that Microsoft has not
13 published the specs for," and there is an
14 illegible word, "folders and rules." There are
15 three letters that are legible, R-E-D. Is it
16 likely --

17 A I'm -- oh, I see. Has not published the
18 specs for blank folders and rules.

19 Q There are three letters of that
20 illegible word that are showing, the R-E-D. Is
21 it likely that the illegible word is shared, such
22 that the sentence reads, "Novell claims that
23 Microsoft has not published the specs for shared
24 folders and rules"?

25 A I -- that -- that would make sense to me.

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1 Q So assuming that the illegible word
2 is shared, had Microsoft published the
3 specifications for shared folders and rules by
4 early 1995?

5 A Well, shared folders and rules like
6 out-of-office are server-side capability, so they
7 might have been -- I -- this might be a red
8 herring, you know, specifying -- let's use the
9 prior example, out-of-office.

10 There wasn't any -- there wasn't
11 any expectation that out-of-office was going to
12 be published because it's a server-side
13 capability that's accessed through MAPI in this
14 extension mechanism we've been discussing.

15 Rules are server side. That would
16 be the mechanism by which E-mail is automatically
17 directed to different -- I'm -- server-side
18 folders.

19 Shared folders are, again, a
20 server-side capability, so there may -- those are
21 Exchange-specific capabilities that aren't part
22 of MAPI, as far as I know, outside of the fact
23 that they use the extension mechanisms when they
24 present themselves.

25 Just like Lotus Notes Groupware's

1 1995?

2 A I might have.

3 Q Are you familiar with the term "MS
4 Bob"?

5 A The product?

6 Q Yes.

7 A Vaguely.

8 Q What do you recall about it?

9 A It was an experiment in user interface
10 design to make something what was much lighter
11 and friendlier.

12 Q Are you familiar with a MAPI
13 provider?

14 A What MAPI provider? I mean --

15 Q With the phrase "MAPI provider"?

16 A Yeah.

17 Q What is a MAPI provider?

18 A It -- are you talking server side -- the
19 client-side MAPI provider, not the service
20 provider?

21 Q The client-side MAPI provider.

22 A Yes. So it would be a mechanism whereby
23 clients, whether it be Microsoft's E-mail client
24 or somebody else's, talks to MAPI, it's what maps
25 the client-side capabilities to MAPI.

1 capabilities would be server-side capabilities.

2 Q If you look at the next paragraph
3 as well, it says, "Larry Jones, group product
4 manager at Lotus in Mountain View, Calif, agreed
5 with Nelson, adding that Microsoft has not
6 published the application programming interfaces
7 (API) for calendaring/scheduling either."

8 A There weren't standard capabilities in the
9 client for calendaring. Again, you know, the way
10 you and your assistant interact on your calendar
11 is a server-side capability, not -- not a
12 client-side capability.

13 Q Let me switch gears for a moment.
14 Have you ever heard of the Burton
15 Group?

16 A Yes.

17 Q And what is that?

18 A They were a consulting group, an IT
19 consulting group, that specialized in messaging
20 technologies.

21 Q Do you recall the Burton Group
22 hosting conferences?

23 A They could have, I don't recall.

24 Q Do you recall attending a
25 conference held by the Burton Group in July of

1 Q Do you recall whether MS Bob had a
2 MAPI provider?

3 A I don't remember.

4 Q What is the MAPI provider on the
5 server side?

6 A Well, there is -- for each back-end, there
7 was a provider that MAPI capabilities to the
8 server. You've used the term "service provider
9 interface," that's what that code is.

10 Q Do you know whether the MAPI
11 providers were available to ISVs?

12 A What do you mean the MAPI providers were
13 available to?

14 Q Were they published?

15 A They were code.

16 Q Were they published code?

17 A There were samples done by -- each
18 individual vendor's implementation was -- was
19 their own product.

20 Q Do you recall whether the MAPI 1.0
21 specification was ever used by applications on
22 Windows 3.1?

23 A I don't recall.

24 Q Do you know when Windows '95 was
25 released?

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1 A The date? Fall of '95. I don't know. I
 2 remember the song.
 3 Q Do you recall whether MAPI shipped
 4 in Windows '95?
 5 A Yes, I believe it did, but I'm not -- I'm
 6 not super positive, but I think so.
 7 Q Do you recall how MAPI would have
 8 been included in Windows '95?
 9 A It was just -- it was a -- it was a --
 10 probably a DLL.
 11 Q So it didn't need to be
 12 pre-installed on Windows '95 -- or was it
 13 pre-installed on '95?
 14 A I think so, but I don't -- yeah, I think
 15 that's -- I think that's true.
 16 Q So did it require any installation
 17 by the user on Windows '95, if you recall?
 18 A I don't remember -- I don't -- I don't
 19 remember. I can speculate, but that's probably
 20 not a good idea.
 21 Q Do you know if the version of MAPI
 22 that was included on Windows '95 was the same
 23 version as included on Windows 3.1?
 24 MR. RADER: Objection.
 25 THE WITNESS: I'm sure there was a

1 backwards compatibility have included
 2 compatibility with MAPI-enabled products on
 3 Windows 3.1?
 4 A I don't know why you wouldn't want to have
 5 it. I mean, certainly -- again, the original --
 6 the first implementations were very simple so I
 7 don't know what, technically, would keep you from
 8 being compatible, and I can't think of a reason
 9 why you wouldn't want to be.
 10 Q Microsoft bundled its Exchange
 11 client with Windows '95, correct?
 12 A Microsoft bundled an E-mail client with
 13 Windows '95.
 14 Q Do you recall which E-mail client
 15 that was?
 16 A No.
 17 Q Could it have been Exchange?
 18 A It wouldn't -- it wouldn't have been
 19 Exchange because Exchange was a server product.
 20 It was a client that could operate with Exchange,
 21 given the right MAPI drivers.
 22 Q Do you know if the installation of
 23 the Exchange client was automatic?
 24 A I don't recall.
 25 Q Do you know how a user would have

1 relationship between them but, I mean, the
 2 code evolved, so the chances of it being
 3 the same are very small.
 4 It would have provided a set of
 5 compatible interfaces, however, which is
 6 kind of what people cared about, so if you
 7 had written an application to one, it
 8 would work with the other.
 9 BY MS. VISHIO:
 10 Q When Windows '95 was installed as
 11 an upgrade from Windows 3.1, what happened to the
 12 MAPI provider that existed in Win 3.1?
 13 A I have no idea. I mean, I can speculate
 14 but I don't know.
 15 Q Do you know whether it was
 16 overwritten?
 17 A Don't know.
 18 Q Do you recall whether Windows '95
 19 promised full backwards compatibility with
 20 Windows 3.1?
 21 A It certainly made a lot of sense to have
 22 as much compatibility as you could. I don't know
 23 if the promise was -- what the promise was.
 24 Breaking applications is not a good idea.
 25 Q In your opinion, would full

1 gone about installing Exchange client for
 2 Windows '95?
 3 A I don't know that it was -- as I said, I
 4 don't think it was the Exchange client, and I
 5 believe it was, in the installation process, one
 6 of the things a user could choose or not choose
 7 to install, but that's just a recollection.
 8 Q So I'll refer to it as the mail
 9 client. Would you know what I was referring to
 10 if I said that if I don't call it the Exchange
 11 client?
 12 A That would be more accurate, yes.
 13 Q So when the mail client was
 14 installed, did it include a 32-bit version of
 15 MAPI with it?
 16 A I don't know -- I would assume so, but I
 17 don't know for sure. In Win 3.0, is that your
 18 question?
 19 Q I was actually talking about
 20 Windows '95. Does that change your answer?
 21 A I can't remember -- I can't remember when
 22 the shift was made from 16 to 32. Between '95
 23 and 3.0 is when I think it was, but I'm not
 24 absolutely certain.
 25 Q Do you know whether the mail -- the

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1 mail client that was bundled with Windows '95 was
 2 the first version of the mail client?
 3 A Well, no, there would have been other mail
 4 clients before that for both DOS and Windows and
 5 MacIntosh.
 6 Q Are you familiar with the In Box
 7 icon in Windows '95?
 8 A Vaguely.
 9 Q What do you recall?
 10 A I'd probably recognize it if you showed it
 11 to me, but that's about it.
 12 Q Do you know whether end users could
 13 remove that In Box icon from their desktop?
 14 A I don't remember.
 15 Q When you hear the product Microsoft
 16 Exchange, what is that referring to?
 17 A To me, it means the server product because
 18 that's --
 19 Q And you're not familiar with
 20 Microsoft -- with Microsoft Exchange as a client;
 21 is that correct?
 22 A Well, there was a client for Exchange, but
 23 if what you're asking me, was there a time in
 24 which the client was called the Exchange client,
 25 I don't recall.

1 A I don't remember if the MAPI SDK had a
 2 distributable set of the libraries or not, but
 3 that could have been a way which MAPI could have
 4 been delivered alternatively.
 5 Q If a user were to upgrade from
 6 Windows 3.1 to Windows '95, would the
 7 installation of the mail client -- of Microsoft's
 8 mail client overwrite the existing MAPI 1.0
 9 provider already on that computer?
 10 A I don't remember.
 11 Q Do you know whether a user that
 12 installed the bundled mail -- the bundled
 13 Microsoft Mail client used -- strike that.
 14 Do you know whether the -- a user
 15 installing the Microsoft Mail client would also
 16 then need to install a 32-bit version of MAPI
 17 1.0?
 18 A In what environment?
 19 Q You mean in what operating system
 20 environment?
 21 A Yeah.
 22 Q In Windows '95.
 23 A I don't remember.
 24 Q For this next set of questions, I'm
 25 going to be referring to MAPI, and what I mean is

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1/14/2009 Shurtleff, Robert, Jr. (Vol. 01) - 01/14/2009

1 Q Do you recall whether any changes
 2 from a 16-bit version of MAPI to a 32-bit version
 3 of MAPI caused any problems for ISVs?
 4 A I don't recall -- I don't recall problems
 5 there. I mean, there could have been, but --
 6 because I believe a 16-bit compatibility
 7 capability was provided, so applications that had
 8 been implemented to that spec should continue to
 9 work. It doesn't mean there weren't problems,
 10 but --
 11 Q Are you aware of whether any ISVs
 12 were forced to tell their consumers to install
 13 the Microsoft Mail client in order to have MAPI
 14 installed on Windows '95?
 15 A No, I don't recall that.
 16 Q We talked a little bit about
 17 GroupWise so I'd like to focus some questions
 18 specifically on GroupWise as an E-mail client.
 19 Would the GroupWise E-mail client
 20 on Windows 3.1 use the version of MAPI 3.0 that
 21 came with Windows 3.1?
 22 A I don't know.
 23 Q Can you think of any other way that
 24 it would use MAPI without it being installed on
 25 3.1?

1 MAPI 1.0, but for convenience sake, I'm just
 2 going to refer to it as MAPI.
 3 Assuming that a user bought a new
 4 computer so they are not upgrading from
 5 Windows 3.1, but they bought a new computer that
 6 has Windows '95 pre-installed, and assuming that
 7 the user purchased Novell's 16-bit suite, which
 8 came with the 16-bit GroupWise client, could the
 9 user install GroupWise on the Windows '95 machine
 10 without installing Microsoft's bundled
 11 Microsoft -- Microsoft's bundled mail client?
 12 MR. RADER: Objection.
 13 THE WITNESS: I don't know.
 14 BY MS. VISHIO:
 15 Q If MAPI was not installed on the
 16 computer, and MAPI was not provided in -- and the
 17 MAPI libraries to which you referred earlier were
 18 not provided in the SDK, could GroupWise be able
 19 to access MAPI?
 20 A No, I mean, they needed the code if they
 21 were using it.
 22 (Exhibit Number 15 was marked.)
 23 BY MS. VISHIO:
 24 Q I'm handing you what has been
 25 marked as Shurtleff Exhibit 15. It is a

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1 three-page E-mail strand, Subject: MAPI
2 Personality -- excuse me, Subject: Personality
3 problem with MAPI. It's Bates stamped
4 IBM 7510250608 to IBM 7510250610.

5 Please take a moment to review this
6 document.

7 A (Perusing.) Okay.

8 Q Do you recognize this E-mail
9 strand?

10 A No.

11 Q What does this E-mail strand appear
12 to be to you?

13 A It has -- my guess is, in MAPI 1.0, there
14 was some string -- there was some text that was
15 Microsoft-specific that Lotus wanted to be able
16 to change, and Mike or his team is asking this be
17 changed, and it may have already been shipped, or
18 been in the ship pipe.

19 Q Is that the personality problem
20 with MAPI to which the subject refers?

21 A That's my guess.

22 Q Do you remember sending and
23 receiving the E-mails in this strand?

24 A No.

25 Q Do you have any reason to doubt

1 have any sense of what that refers to?

2 A No.

3 Q Do you know whether the issue that
4 Mr. Zisman is referring to here relates to the
5 fact of installing the Microsoft Mail client and
6 problems associated with that on Windows '95?

7 A I can't -- I think that is what it's
8 about, but I can't tell.

9 Q We had discussed earlier SPs. And
10 we also have discussed SPIs, which are the
11 interfaces.

12 Did MAPI recognize the vendor
13 profiles?

14 A What's a profile?

15 Q I mean in the context of the --
16 strike that.

17 Did you personally ever tell any
18 developers that MAPI was -- or that Microsoft
19 considered MAPI to be part of the mail client
20 rather than Windows itself?

21 A I have no idea if I told somebody that
22 because I don't -- I don't know -- I can't
23 remember the timeline of when different pieces --
24 when, by example, it was decided that MAPI would
25 ship with Windows.

1 that you did not send or receive these E-mails?

2 A No.

3 Q On the bottom of the first page,
4 and then continuing on to the second page of the
5 E-mail chain, there is an E-mail from
6 Michael Zisman to you dated February 14, 1996.

7 And on the top of page 2, starting
8 in the second line, Mr. Zisman writes, "Why is it
9 hard to fix this, or to support an alternate DLL
10 that gets loaded if exchange is not installed, or
11 some such thing."

12 Do you know the "it" that
13 Mr. Zisman is referring to here?

14 A No, I don't know.

15 Q This sentence references DLLs.
16 Did -- DLLs recognize vendor profiles; is that
17 correct?

18 A No. I don't know what you mean by that.

19 Q Well, DLLs were part of the vendor
20 profiles; is that correct?

21 A They could be. What do you mean by
22 "profile"?

23 Q Well, I'm curious about what he's
24 referring to when he says "the DLL that gets
25 loaded if exchange is not installed." Do you

1 Q But it was the case that Microsoft,
2 at a certain time, considered MAPI to be part of
3 the mail client rather than the operating
4 system --

5 MR. RADER: Objection.

6 BY MS. VISHIO:

7 Q -- is that correct?

8 A Considered to be a part of is not -- it
9 was being developed by the team that had the
10 expertise, and I think that's independent of the
11 ship vehicle.

12 Q Did MAPI reside in the operating
13 system?

14 MR. RADER: Object to form.

15 THE WITNESS: Was it shipped in the
16 operating system? Yes. Was it shipped
17 independent of that prior to that point,
18 certainly in developer kits, yeah.

19 BY MS. VISHIO:

20 Q Was MAPI shipped as part of the
21 mail client?

22 A I don't think so, but I would need -- I
23 can't guarantee you that.

24 Q Who at Microsoft might know the
25 answer to that question?

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1 A God, who knows at this point.

2 Q Can you think of any names of any

3 former employees or current employees that might

4 be able to shed light on the MAPI issues that

5 we've been discussing?

6 A The specific question is: Was it ever

7 shipped as part of a product before it shipped

8 with the operating system?

9 Q Right. But my question now is: Do

10 you know of any individuals, former or current

11 employees, at Microsoft who may be able to shed

12 light on these MAPI issues to which we've been

13 discussing?

14 MR. RADER: Objection: Vague.

15 THE WITNESS: No, I -- no, I mean,

16 I -- I can't -- you know, I don't know who

17 is going to remember what from then.

18 BY MS. VISHIO:

19 Q Well, who would have been involved

20 in working on these issues?

21 A Most of the people you've seen on these

22 E-mails. I mean, I can't think of anybody that

23 wasn't on the E-mails that was doing it.

24 Q So, for example, Tom Evslin might

25 know the answers to these questions?

1 '97?

2 A No.

3 Q Are you familiar with a product

4 called Outlook?

5 A Yes.

6 Q What is Outlook?

7 A Outlook is the E-mail client that was

8 shipped with Exchange server -- or for Exchange

9 server. It may have also been bundled into

10 Office, but I don't know when.

11 Q Do you remember if Outlook had

12 calendaring functionality?

13 A I believe it did.

14 Q Do you recall whether it had

15 scheduling capabilities?

16 A Well, how do you differentiate scheduling

17 from calendaring?

18 Q Would you differentiate the two?

19 A I don't know, they are kind of synonymous.

20 Q Do you recall whether these

21 calendaring specifications were published?

22 A I don't recall.

23 Q Do you recall whether all of the

24 Outlook specifications were published?

25 A I -- I don't know which -- what kind of

1 A No, because he was an executive.

2 Q How about Laura Jennings?

3 A Similar role. At this point she might

4 have even been in marketing.

5 Q So who specifically are you

6 referring to from the E-mails that might have

7 knowledge that's useful to this issue?

8 A Who would know? See, I don't -- if

9 anyone, it would probably be John Kauffman

10 because he was the program manager, but I don't

11 know what John remembers or doesn't remember.

12 Q Are you familiar with Office '97?

13 A Sure. I mean, you know, I've used it.

14 What's your specific question?

15 Q Well, what is Office '97?

16 A Office '97 was -- is it the first version

17 of Office? It might have been -- it may have

18 been the first version of Office, or the second

19 version of Office that contained Word and EXCEL

20 and Power Point, and maybe Access.

21 Q Did Office '97 have an E-mail

22 client?

23 A Not to my recollection.

24 Q Do you recall an issue with

25 GroupWise with respect to the release of Office

1 specifications you mean. I mean, Outlook was a

2 client, so it had -- I don't know if it had a

3 specific set of APIs that it published. It used

4 MAPI to talk to servers.

5 Q Were the calendaring functions

6 available through MAPI?

7 A Well, there were some local calendaring

8 capabilities that were available to just a

9 stand-alone user, and then there were some server

10 capabilities that were done -- I probably -- this

11 is -- okay, how was that done?

12 There were server capabilities that

13 were done through this extension mechanism we

14 were talking about earlier, so if you wanted, for

15 instance, to book a conference room, conference

16 rooms were an Exchange-server capability, right,

17 they weren't an Outlook capability, Outlook

18 didn't know anything about conference rooms.

19 So if you wanted to book a

20 conference room, you used MAPI to access that

21 information on the server.

22 Q Are you familiar with Windows '98?

23 A Sure.

24 Q What is Windows '98?

25 A The version of Windows that shipped after

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1 Windows '95 and before NT.

2 Q Do you recall whether MAPI was

3 included with Windows '98?

4 A I'm not absolutely sure, but I would

5 suspect it was, yes, by that time.

6 MS. VISHIO: Let's go off the

7 record.

8 THE VIDEOGRAPHER: We're off the

9 record at 11:46 a.m.

10 (A recess was taken.)

11 THE VIDEOGRAPHER: We're back on

12 the record at 11:56 a.m.

13 BY MS. VISHIO:

14 Q Do you know who the GM of Exchange

15 was?

16 A When?

17 Q In the Windows '95 time frame.

18 A I can't -- I mean, I couldn't tell you

19 precisely. I could give you a bunch of names but

20 I couldn't tell you exactly who was there at that

21 moment.

22 Q Which ones are you thinking of?

23 A Evslin was potentially it; Laura Jennings

24 could possibly be it; or Brian Valentine; and

25 there was -- there were a number of subgroups

1 which each had GMs in addition to the kind of the

2 manager over the whole thing.

3 Q What subgroups are you referring

4 to?

5 A So like I had the work group solutions

6 group, and I was the general manager of that, so

7 I had a bunch of people doing ISVs and

8 development kits and working with third parties,

9 which is why I'm talking to Mike Zisman and

10 people like that, and then there was the server

11 side people. I can't remember who was running

12 that group. So there were multiple groups within

13 the team.

14 Q Can you think of any other groups?

15 A Win '95 time frame? No.

16 Q How about in a later time frame,

17 say Windows '98?

18 A I think Brian Valentine was running the

19 group then.

20 Q How about prior to Windows '95 with

21 Windows 3.1?

22 A It might have been Laura then, but I

23 don't -- again, we reorganized often, and people

24 moved around and, you know, those were kind of

25 the main folks I remember, and there could be

1 other people, I just don't --

2 Q Do you recall who would have dealt

3 directly with Novell on issues relating to the

4 E-mail client or MAPI?

5 A It might have been people either in the

6 MAPI team or in the evangelism group.

7 Q Can you think of any specific

8 names?

9 A I can't tell you who -- you know, because,

10 we were working with all the providers, IBM, HP,

11 Lotus, Novell, cc:Mail, because they weren't

12 owned by Lotus at that point.

13 Q Do you recall whether Greg Lobdell

14 worked at Microsoft after 1995?

15 A I don't know when he left. You know, it's

16 a blur. Various people came and went, mostly

17 went.

18 Q Do you recall whether Dan Fay

19 worked at Microsoft after 1995?

20 A No. I -- I would have a stronger -- my

21 sense is more strongly that Greg was there after

22 that point. I don't know what happened to Dan.

23 Q We talked earlier about Rick Segal.

24 A Um-hmm.

25 Q Do you know how long he was at

1 Microsoft?

2 A No, I don't know when he left.

3 Q Do you recall whether it was in the

4 Windows '95 time frame?

5 A I don't remember.

6 Q What about John Kauffman, do you

7 recall whether he was at -- how long he stayed at

8 Microsoft?

9 A He's still there.

10 Q What about -- do you know whether

11 he's still working on Microsoft's mail clients,

12 Mr. Kauffman?

13 A I -- well, he never worked on the client,

14 I don't think.

15 Q What did he work on?

16 A Well, he was on MAPI, and then it was more

17 on server side, he was never part of the Outlook

18 client team. Again, he's easy to ask. Make his

19 day.

20 Q Mr. Shurtleff, are there any

21 answers to my questions that you wish to change

22 now before we close the deposition?

23 A Not that I can think of.

24 Q Is there any information that I

25 asked about that you remember now but that you

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1 didn't recall when I initially asked the
 2 question?
 3 A No.
 4 MS. VISHIO: I have no more
 5 questions pending cross, and we'll reserve
 6 further questioning for redirect.
 7 MR. RADER: I have no questions.
 8 MS. VISHIO: Thank you,
 9 Mr. Shurtleff.
 10 THE VIDEOGRAPHER: This is the end
 11 of the deposition at 12:01 p.m.
 12 (At 12:01 p.m. the deposition in
 13 the above-referenced case was concluded.)
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1 INSTRUCTIONS TO WITNESS
 2
 3 Read your deposition over carefully. It
 4 is your right to read your deposition and make
 5 changes in form or substance. You should assign
 6 a reason in the appropriate column on the errata
 7 sheet for any change made.
 8 After making any change in form or
 9 substance, and which have been noted on the
 10 following errata sheet, along with the reason for
 11 any change, sign your name on the errata sheet
 12 and date it.
 13 Then sign your deposition at the end of
 14 your testimony in the space provided. You are
 15 signing it subject to the changes you have made
 16 in the errata sheet, which will be attached to
 17 the deposition before filing. You must sign it
 18 in front of a witness. The witness need not be a
 19 notary public. Any competent adult may witness
 20 your signature.
 21 Return the original errata sheet to the
 22 court reporter promptly! Court rules require
 23 filing within 30 days after you receive the
 24 deposition.
 25

1 C E R T I F I C A T E
 2
 3 I, Kelly Herrick, a Certified Shorthand
 4 Reporter, do hereby certify that prior to the
 5 commencement of the examination ROBERT SHURTLEFF,
 6 JR. was duly sworn by me to testify to the truth,
 7 the whole truth, and nothing but the truth.
 8 I DO FURTHER CERTIFY that the foregoing
 9 is a true and accurate transcript of the
 10 deposition of said witness who was first duly
 11 sworn by me on the date and place hereinbefore
 12 set forth.
 13 I FURTHER CERTIFY that I am neither
 14 attorney nor counsel for, nor related to or
 15 employed by any of the parties to the action in
 16 which this deposition was taken, and further that
 17 I am not a relative or employee of any attorney
 18 or counsel employed in this action, nor am I
 19 financially interested in this case.
 20 _____
 21 Kelly Herrick
 22 Notary Public of Minnesota
 23 My Commission Expires _____
 24 Dated: _____
 25

1 ERRATA SHEET
 2 PAGE LINE # CHANGE REASON THEREFOR
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