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1 THE CLERK: Are we ready?

2 THE COURT: Absolutely.

3 (Jury brought into the courtroom.)

4 THE COURT: Go ahead.

5 Q. BY MR. HOLLEY: Mr. Richardson, I'd like to  
6 return very briefly to one topic that we talked about  
7 before the break. To your knowledge, no component of  
8 Microsoft Office, be that Word or Excel or PowerPoint or  
9 Access or Outlook used the NameSpace extension API's to  
10 add custom containers to Windows explorer, right?

11 A. I have no knowledge of whether they did or  
12 not.

13 Q. You're certainly not here to testify that they  
14 did, are you, sir?

15 A. I have no knowledge of whether they did or  
16 not.

17 Q. Okay. Let's go back to DR-6, the objectives  
18 chart. And let's look at number 3, which is the  
19 Displaying Novell Technologies Such as QuickFinder in the  
20 Windows explorer. Now, this is something that really was  
21 neither here nor there for WordPerfect and Quattro Pro  
22 themselves, right?

23 A. Well, I'm not sure that I'm qualified to speak  
24 to the -- the design decisions and directional decisions  
25 for those applications, but my understanding is that, in

1 every environment that WordPerfect was installed,  
2 starting with DOS, that it was their desire to provide a  
3 good experience for the user that helped the user whether  
4 they were doing word processing or not. In fact, with  
5 WordPerfect for DOS, it was one of the reasons that  
6 WordPerfect was the dominant word processor on the  
7 operating system.

8           So I think it was a very strong desire to have  
9 a positive influence on the environment in which they  
10 were installed.

11           Q. But, just to be clear, there was no obstacle  
12 whatsoever to adding an icon on the Windows 95 desktop  
13 that a user could click on, and it would launch  
14 WordPerfect, and you could have one for Quattro Pro, too,  
15 as well, right?

16           A. To my knowledge, it was not a difficult task to  
17 add an icon to the desktop.

18           Q. And, if you clicked on the icon, that icon,  
19 through shell extension mechanisms, was associated with  
20 an executable file, and that file would launch when you  
21 clicked on the icon, correct?

22           A. I'm not sure that was even -- involved shell  
23 extension technology. A link on the desktop is a fairly  
24 simple thing to do.

25           Q. Okay. So we're agreed that it was simple to

1 add an icon for WordPerfect and Quattro Pro to the  
2 Windows 95 desktop, right?

3 A. Right.

4 Q. And it was also equally simple to add  
5 WordPerfect and Quattro Pro in the start menu of Windows  
6 95?

7 A. That was not a difficult task.

8 Q. That was not difficult. Okay. Now, you talked  
9 a little bit this morning about living in applications  
10 and living in Windows explorer. Have you ever had any  
11 occasion to look at any market research conducted, since  
12 the middle of 1994, to see what percentage of users,  
13 instead of clicking on an icon on the desktop or hitting  
14 start and using the start menu to launch an application,  
15 instead, went start, Windows explorer, went into the  
16 Windows explorer tree view and then used that to launch  
17 an application?

18 A. I was not involved with determining user intent  
19 or to finding what the best experience was for users. I  
20 was a software developer not a user experience  
21 designer.

22 Q. You use Windows 95, or you did, right, sir?

23 A. I have used Windows 95.

24 Q. Right. And do you use Windows 7 now?

25 A. No, I do not.

1 Q. You do not. Okay. Well, when you did use  
2 Windows 95, was it your common practice to not use the  
3 icon on the desktop or use the start menu but, instead,  
4 go into Windows explorer into the tree view and use that  
5 to launch applications?

6 A. I frequently used the right mouse and executed  
7 applications from an object.

8 Q. Right. So, what you would do is drag a Corel  
9 WordPerfect document to your desktop, and, thanks to the  
10 shell extension mechanisms, that document, letter to mom,  
11 dated August 5, if you clicked on that document, you  
12 could run it right off the desktop, correct?

13 A. So I think maybe you misunderstood, or I didn't  
14 make clear my answer.

15 Q. Okay.

16 A. I usually navigate to the file and then right  
17 click on the file and run the application from there.  
18 That's my general practice.

19 Q. Okay. Fair enough. Okay. So you could go to  
20 My Files and go into any of the documents listed in My  
21 Files and click on those, and, thanks to the  
22 object-oriented nature of Windows 95, each of those files  
23 was linked to an application; isn't that right?

24 A. So, a file can be linked to an application.  
25 Yes, that's true.

1 Q. Okay.

2 A. I'm not sure what the question was.

3 Q. No. I'm just trying to explore the ways you  
4 used Windows 95. So, when you launched applications in  
5 Windows 95, you would go into the file system, find the  
6 document that you wanted to use, and then run it from  
7 that icon, correct?

8 A. That was my practice, and that's still  
9 generally my practice.

10 Q. That is still your practice. It was even  
11 easier to do that, wasn't it, sir? You could drag that  
12 letter, whatever document you were particularly  
13 interested in, you could drag it from the file system and  
14 leave it on the desktop, and if it was some report you  
15 were working on for your boss, you could leave it on the  
16 desktop, and when you clicked on that document, the  
17 application would launch, right?

18 A. That is possible to do that, yes.

19 Q. Now, let's turn to objective number 4, which is  
20 Displaying Novell Technologies Such as Quick Finder in  
21 the Windows 95 Common File Open Dialog. Now, because  
22 WordPerfect and Quattro Pro were not going to use the  
23 Windows common file open dialog for all the reasons you  
24 have told us several times this morning, this didn't  
25 matter, right? It didn't matter to WordPerfect and

1 Quattro Pro, as such, that Novell technologies like Soft  
2 Solutions, the email client, the clip art library showed  
3 up in the common file open dialog that other applications  
4 used?

5 A. So, I don't recall ever having that  
6 conversation with developers in WordPerfect or Quattro  
7 Pro, with regard to their desires about the file open  
8 dialog. However, the functionality, the file  
9 functionality that was provided by WordPerfect, both  
10 Windows 3.1 and in DOS, was extremely important, and that  
11 was a common theme.

12 Q. Okay. I -- with the thanks to my colleagues on  
13 the other side, I'm wondering if we can show what  
14 Ms. Vishio showed you this morning, which is  
15 Demonstrative Exhibit 16.

16 Could we show that, please.

17 Now, as I understood your testimony, this was a  
18 mockup -- you're not suggesting that this was ever in a  
19 shipping product -- but this is a mockup of what you  
20 would have liked to have done with the NameSpace  
21 extensions in a file open dialog. Did I understand your  
22 testimony correctly?

23 A. Yes. I believe that's correct.

24 Q. Okay. And if you -- if Novell's view of the  
25 world had come to be, this extended NameSpace would have

1 shown up not only in the file open dialog for Novell's  
2 own applications, it also would have shown up in the  
3 Windows explorer tree view, and it would have shown up in  
4 the Windows common file open dialog that other  
5 applications used; is that right?

6 A. That's correct.

7 Q. Okay. Did you give any thought, sir, as to  
8 what would happen to a user if seven different  
9 applications added four new NameSpaces, so that every  
10 time you tried to find a file, there were 28 NameSpaces  
11 that had nothing to do with the application that you were  
12 running, but they were all there for you to look at? Did  
13 you think about that?

14 A. I don't recall that ever being part of our  
15 discussion.

16 Q. Well, that would be terrible for users,  
17 wouldn't it? It would be very confusing. If I opened  
18 Quicken, which is a, you know, check balancing program,  
19 and suddenly I see 28 NameSpaces in this very, very long  
20 file dialog, I have no idea what they are doing there;  
21 isn't that right?

22 A. That would be conjecture on what a user might  
23 experience there. I don't know that I could predict what  
24 a user's reaction would be.

25 Q. So you can't tell me, one way or the other,



1 whether seeing 28 random NameSpaces inside Intuit's  
2 Quicken, would or would not be confusing to novice  
3 users?

4 A. I'm not sure what's meant by random NameSpaces,  
5 but I couldn't predict what the behavior would be, what  
6 the reaction might be.

7 Q. But you do agree with me that, if everyone had  
8 used the NameSpace extension mechanism the way Novell  
9 intended to use it, the Windows common file open dialog,  
10 the basic file open dialog that Microsoft made available  
11 to all applications, could have been completely trashed  
12 up with all sorts of NameSpaces provided by all sorts of  
13 people. Isn't that right?

14 A. My experience was that our NameSpaces did not  
15 show up in the file open dialog, so that would not have  
16 happened.

17 Q. But, sir, that wasn't my question,  
18 Mr. Richardson. My question was, if you had been able to  
19 do what you wanted to do, as you've testified this  
20 morning, if you had been able do that, and all other  
21 ISV's had been able to do that, the Windows common file  
22 open dialog could potentially have hundreds of  
23 NameSpaces. Isn't that right?

24 A. The fact that it didn't allow it, maybe  
25 precluded us from even considering that possibility.

1 However, not all of our NameSpaces show up in every  
2 container. So, a variety of our NameSpaces would not  
3 have shown up here. There were some that we wanted to  
4 put here, but simply the introduction of additional  
5 NameSpace doesn't mean it would have shown up on My  
6 Computer. Not all NameSpaces show up under My  
7 Computer.

8 Q. Well, I appreciate that, sir, but the way that  
9 the mechanism worked, you could have added whatever  
10 NameSpaces you wanted, right? You could have added a  
11 thesaurus NameSpace, a spell checker NameSpace. You  
12 could have added all of those NameSpaces to the Windows  
13 explorer and to the Windows common file open dialog;  
14 isn't that right?

15 A. Well, no, we couldn't have added them to the  
16 file open dialog because our NameSpaces wouldn't show up  
17 there at all, and I don't recall any intent to ever add a  
18 speller or thesaurus to the explorer.

19 Q. All right. I appreciate that you want to tell  
20 me things, but I want you to answer my questions. I  
21 asked you that, if you had been able to do what you say  
22 this morning that you wanted to do, okay? You're with me  
23 so far? You could have added NameSpaces for an infinite  
24 number of Novell technologies to the Windows common file  
25 open dialog; isn't that right?

1           A.    I don't recall every having the intention to  
2 add any significant number, certainly not an infinite  
3 number of NameSpaces to either the explorer or the file  
4 open dialog.

5           Q.    All right. You can't answer the question that  
6 I asked you, sir?

7           A.    I believe that I answered the question. Maybe  
8 I didn't understand it.

9           Q.    Okay. Sorry. Then that's probably my fault.  
10 But let me ask you one more time. If Novell had been  
11 able to do what you said this morning that Novell wanted  
12 to do, which is to add NameSpaces, both to the Windows  
13 explorer and to the Windows common file open dialog,  
14 there was no limit imposed by the system, by Windows 95,  
15 on how many NameSpaces you could have added; isn't that  
16 right?

17          A.    It was never our intent to add a large number  
18 of NameSpaces. The operating system, to my knowledge,  
19 does not have any constraints that would preclude us or  
20 anyone else from adding any number of NameSpaces to any  
21 of the containers that allowed you to add NameSpaces  
22 within them.

23          Q.    Thank you, Mr. Richardson. I'd like you to  
24 look, if you would, sir, at what's been marked as  
25 Defendant's Exhibit 8. Mr. Richardson, this document --

1 you can ignore the November 5, 2008 date. That is an  
2 unfortunate relic of automatic dating programs which date  
3 documents the date they are printed, but, so, please  
4 ignore that, that's -- this was produced by Novell that  
5 way, and it's not anybody's fault. But, have you seen,  
6 before, this WordPerfect Windows 95 shell integration  
7 feature documentation document?

8 A. I don't recall seeing this while I was working  
9 at Novell.

10 Q. All right. On page 2, there's a reference to a  
11 series of meetings that were held on August 31, September  
12 23 -- these are all 1994 -- August 31, '94, September 23,  
13 '94, and September 30, '94. Do you see that sir?

14 A. You're on the second page?

15 Q. Yes, sir.

16 A. Yes, I. --

17 Q. There are three meetings referred to.

18 A. I see that.

19 Q. Okay. And each of these meetings Adam Harral  
20 is listed as being present. Do you see that, sir?

21 A. Yes.

22 Q. Did Mr. Harral discuss with you, because you  
23 were working with him on the shared code team, what  
24 transpired at this Windows 95 shell integration, these  
25 meetings that were being held in the fall of 1994?

1 A. I don't recall this particular meeting.

2 Q. I'm sorry, sir. I didn't hear your answer.

3 A. I don't recall this particular meeting.

4 Q. You don't recall. And do you recall being told  
5 anything by Mr. Harral about what transpired at any of  
6 these three meetings?

7 A. I don't recall talking with Adam about --  
8 specifically about these meetings.

9 Q. Okay. I'd like you to take a look, if you  
10 would, sir, to the page -- and I'm looking at these  
11 control numbers down at the bottom. It's 41719. The  
12 internal page is 6. Maybe we should look at the previous  
13 page, 5, first. Now, this, as I understand it, is a list  
14 of various shell extensibility features that might have  
15 been included in Windows -- excuse me -- in WordPerfect  
16 for Windows 95, but were not. Is that your  
17 understanding, sir?

18 A. I haven't read this document. I'm not familiar  
19 with what's being discussed here.

20 Q. Okay. Well, I appreciate that you haven't read  
21 it, sir, but I just -- were you aware that there were  
22 certain shell extensibility features that WordPerfect for  
23 Windows 95 might have had but were not included in the  
24 product because the operating system, as designed, did  
25 not support that kind of extensibility?

1           A.     Well, I believe I already testified earlier  
2 that we had wanted to make extensions for the common file  
3 open dialog but we decided not to. I'm not sure what the  
4 question is.

5           Q.     Well, I heard that testimony, and I appreciate  
6 that. I was wondering whether you were aware of the fact  
7 that there were other kinds of extensibility features --  
8 that's a terrible phrase -- extensibility features that  
9 WordPerfect for Windows 95 might have taken advantage of  
10 but didn't because those extensibility features were not  
11 supported by Windows 95 as Microsoft designed the  
12 product?

13          A.     So, let me see if I understand the question.  
14 You're asking if I was aware that there were features  
15 that weren't supported in Win 95 that Perfectfit decided  
16 not to make use of?

17          Q.     No. A different question, different question,  
18 I'm asking you whether you were aware of the fact that  
19 the people developing WordPerfect, the word processing  
20 application, thought about various ways that they might  
21 extend the shell of Windows 95 but decided not to because  
22 they discovered that the way that Microsoft had written  
23 the operating system, those sorts of extensions weren't  
24 possible?

25          A.     I was not part of that conversation.

1 Q. You were not part of that conversation. Okay.  
2 Directing your attention to page 6, Item K at the bottom.

3 Can you highlight that, please?

4 Okay. This, as I understand it, is referring  
5 to what we've been talking about this morning, both  
6 Ms. Vishio and I have been talking to you about this  
7 morning, which is registering custom folders, which  
8 function as object containers with the same behavior as a  
9 folder. That is a custom NameSpace, right, that's just a  
10 different formulation --

11 A. Correct.

12 Q. Of words?

13 A. Correct.

14 Q. Okay. It says this type of shell extension is  
15 referred to as a NameSpace browser. And you're familiar  
16 with that terminology, are you not, sir?

17 A. I am familiar with that terminology.

18 Q. And it says, to the user: "It appears that the  
19 shell understands an application hierarchy that is not  
20 part of the file system. Custom folders are designed  
21 such that a hierarchical relationship" -- excuse me "--  
22 such that hierarchical relationships and contents can be  
23 displayed in the appropriate panes of the file browser  
24 window."

25 So this is what Novell, according to your

1 testimony, wanted to do, wanted to add the soft solutions  
2 document management program, the email client, the clip  
3 art library, to the explorer tree so that it looked like  
4 file folders, basically, in the --

5 THE COURT REPORTER: In the what?

6 MR. HOLLEY: In the directory. I'm sorry. I  
7 need to speak more clearly.

8 THE WITNESS: I'm sorry. That was a long  
9 question. Could you repeat it for me?

10 Q. BY MR. HOLLEY: Yes, it was. And it didn't  
11 help that I trailed off at the end. Your testimony today  
12 is that Novell wanted to do what this is describing,  
13 which is add soft solutions and email client and the clip  
14 art library as custom containers with the same behavior  
15 as a folder; is that right?

16 A. Yes. That's correct.

17 Q. Okay. And then, in bold down here in this  
18 document it says: "We will not take advantage of this  
19 feature since Microsoft has discontinued support of the  
20 required API's since this document was originally  
21 written."

22 And I invite you to take as much time as you  
23 want to look through this document, but my question to  
24 you, sir, is, is there any indication in this document  
25 that the inability to do this is a problem for



1 WordPerfect?

2 A. I haven't read the document, and I wasn't part  
3 of this meeting. I wasn't part of the production of this  
4 document, so I don't know that I could comment on the  
5 intent of the people who wrote this.

6 Q. Well, let's take a look at Mr. Harral's  
7 testimony at page 327 of the trial transcript. Do you  
8 still have that up there, Mr. Richardson?

9 A. Yes, I do, thank you.

10 Q. It's in different pieces, so I'm not sure if  
11 327 is in that piece.

12 A. No. I don't have that.

13 Q. Okay. Just because you're probably inundated,  
14 can I take that back and get you the right one? Okay.  
15 There you go. I got you the right page, I think. Now,  
16 I'm particularly interested in the question and the  
17 answer, but, you know, read around as much as you want.  
18 This isn't some kind of a gotch-ya game, but starting to  
19 page 10 the question was asked: So the shell integration  
20 being talked about in this document with respect to  
21 WordPerfect, the word processor, and Mr. Harral says  
22 uh-huh, and we go down further.

23 Did that have anything to do with the NameSpace  
24 extension API's?

25 And he answered: "I don't know anything that

1 WordPerfect," the word -- excuse me -- "WordPerfect word  
2 processor needed to do for a NameSpace extension."

3           You have no basis to disagree with that  
4 testimony, do you, sir?

5           A. I'm sorry. Can I read that again?

6           Q. Sure. Sure.

7           A. I'm sorry. And the question was?

8           Q. The question is, you agree with Mr. Harral,  
9 right? You don't know of anything that WordPerfect, as a  
10 word processor, needed to do vis-a-vis NameSpaces?

11          A. I'm sorry. The question isn't clear. The  
12 question he is responding to is what? What was the  
13 question that he was responding to?

14          Q. Well, you know, I guess you will have to go up  
15 one page to see the very first part of this dialog.

16          A. So, I wouldn't have stated it quite the same  
17 way he did, where he responds, starting on line 15, on  
18 page 327: "I don't know anything that WordPerfect  
19 processor needed to do for NameSpace extensions. They  
20 did have shell extensions, but I don't recall a NameSpace  
21 extension that they needed to do."

22                I believe that what he's saying is that there  
23 wasn't a NameSpace that the WordPerfect development group  
24 was responsible for providing. That's how I would  
25 interpret his response, that the shared code group was

1 providing all the NameSpace extensions that were required  
2 by the WordPerfect application, but the WordPerfect  
3 developers, themselves, were not responsible for  
4 providing a NameSpace.

5 Q. Okay. So, when Mr. Creighton, back in  
6 Defendants Exhibit 8 writes, in Item K: "We will not  
7 take advantage of this feature since Microsoft has  
8 discontinued support of the required API, since this  
9 document was originally written," he meant we wouldn't  
10 write something?

11 A. I don't know what Mr. Creighton meant.

12 Q. Okay. Now, did I understand you correctly this  
13 morning, Mr. Richardson, to say that, between the receipt  
14 of the M6 documentation in June of 1994, for the  
15 NameSpace extension API's, and October of 1994, when  
16 Microsoft informed Novell that it no longer was  
17 committing to support those API's in the future, that you  
18 had already written code that called upon the API's?

19 A. That's my understanding.

20 Q. Did you write that code, sir?

21 A. I did not.

22 Q. Who did?

23 A. Steve Giles was the primary developer on the  
24 file open dialog functionality, and Adam Harral was the  
25 technical lead for that group.

1 Q. Did you ever see, with your own eyes, any such  
2 code?

3 A. I did see demos.

4 Q. Okay. You saw demos. Did you see any concept  
5 design specifications or any other design documents for  
6 that code?

7 A. I may have, but I don't recall.

8 Q. When were you first told by Novell's legal  
9 department that you had an obligation to save documents  
10 relevant to this case?

11 A. I don't recall.

12 Q. Was it 2004?

13 A. I don't recall.

14 Q. Well, you gave a deposition in another case  
15 involving Microsoft in December of 2001; isn't that  
16 right?

17 A. I was deposed previously about Microsoft,  
18 correct.

19 Q. In 2001, correct?

20 A. I believe that was the correct date.

21 Q. And you were defended at that deposition by  
22 Mr. Lundberg, who is sitting in this courtroom, right?

23 A. That's correct.

24 Q. And you testified at that deposition about all  
25 the topics that you've talked about today; is that not

1 right?

2 A. I believe we covered many of the same topics.

3 Q. Did Mr. Lundberg tell you, in connection with  
4 that deposition, that you should gather together and save  
5 the documents that you had that related to the NameSpace  
6 extension API's and the requirement of the logo licensing  
7 program that you testified about this morning?

8 MS VISHIO: Objection, Your Honor.  
9 Attorney/client privilege.

10 THE COURT: Why don't you ask if anybody.

11 MR. HOLLEY: Fair enough, Your Honor.

12 Q. BY MR. HOLLEY: In connection with that  
13 deposition back in 2001, where you testified about the  
14 topics that you've testified about today, did anyone at  
15 Novell tell you that you should gather together and save  
16 the documents that you had that relate to NameSpace  
17 extension API's and the compatibility requirement of the  
18 logo licensing program?

19 THE COURT: And you have a continuing objection  
20 to this whole line.

21 MS. VISHIO: Thank you, Your Honor.

22 THE COURT: Go ahead.

23 THE WITNESS: As I recall, I no longer had any  
24 documentation on my machine related to either of those  
25 issues, and the documentation that was available was

1 either available on network drives or the email system,  
2 and so I wouldn't have had anything to gather. I don't  
3 recall specifically being told to gather documents, but I  
4 didn't have anything left on my computer that -- to be  
5 gathered. I no longer had a copy of the source at that  
6 point. I no longer had even the same computer that had  
7 been used to develop Win 95.

8 Q. Had someone told you, back in 1994, to save  
9 those things, you would have done it, wouldn't you,  
10 sir?

11 A. I'm sure if I had been asked to preserve some  
12 document, I would have made an attempt to do so.

13 Q. And you threw those documents away in the  
14 ordinary course of business because no one told you not  
15 to; isn't that right, sir?

16 A. I don't recall specifically throwing away any  
17 documentation. Most of the documentation was maintained  
18 on the network or in document management systems or in  
19 the email archives.

20 Q. Do you know whether the email archives that  
21 existed in the document management systems that existed  
22 in October of 1994 were still around in 2007, when Novell  
23 responded to Microsoft's document requests in this  
24 case?

25 A. I don't have any knowledge of that.

1 Q. There was a policy in the shared code group,  
2 sir, wasn't there, that you were supposed to store both  
3 design specifications and source code on particular  
4 network drives in the Novell computer system; isn't that  
5 right?

6 A. That's correct.

7 Q. That is correct. And, to your knowledge, if a  
8 concept design specification existed for this code that  
9 you testified today was written between June of 1994 and  
10 October of 1994, it should have been on the Novell  
11 computer system; isn't that right, sir?

12 A. I don't have any experience with how they  
13 maintain the documentation. I just don't have any  
14 knowledge in that area.

15 Q. I thought you just told me, sir, that there was  
16 a policy in place at Novell that design specifications  
17 and code were supposed to be stored on the Novell  
18 computer system. That's right, isn't it, sir?

19 A. So, what I believe the question was, was,  
20 was there a policy within my group. And, yes, there was  
21 a policy, a practice within my group to maintain our  
22 documentation in a common location in the -- on a network  
23 drive. I don't know what Novell's policy -- I don't  
24 recall what Novell's policy for retaining documents  
25 at that time was.

1 Q. Well, if someone had told anyone in the shared  
2 code group, in October of 1994, don't throw away the  
3 things that are in the shared code group's server shares,  
4 they would not have been thrown away, would they, sir?

5 A. I would not have thrown them away.

6 Q. Now, you testified that after you learned that  
7 Microsoft was not committing to support the NameSpace  
8 extension API's in the future, you came to the conclusion  
9 that you couldn't rely on those. Did I understand your  
10 testimony correctly, sir?

11 A. My recollection is that we couldn't depend upon  
12 them being there. That was the communication that we  
13 received, based on my conversations with my co-workers,  
14 that they were told that they couldn't count on them  
15 continuing to work.

16 Q. Well, you're familiar with debugging tools, are  
17 you -- I'm sorry. Ms. Vishio stood up.

18 MS. VISHIO: I apologize. I don't mean to  
19 interrupt, but I just wanted to make sure that the record  
20 reflected our continuing objection to that prior line of  
21 questioning.

22 THE COURT: Sure. Absolutely.

23 MS. VISHIO: Yes. Thank you, Your Honor.

24 THE COURT: I'm sorry. I thought I said  
25 that.



1 Q. BY MR. HOLLEY: I'm sorry, Mr. Richardson,  
2 that -- Ms. Vishio needs to make a record, and she wasn't  
3 trying to interrupt us.

4 You are aware, are you not, sir, that there are  
5 things called debugging tools and other reverse  
6 engineering tools that application developers can use to  
7 find interfaces in an operating system even if Microsoft  
8 has never documented them, right?

9 A. Debugging tools can be used for a variety of  
10 purposes, among them for reverse engineering.

11 Q. Okay. In fact, you are aware, are you not,  
12 sir, that entire books were published about how to call  
13 undocumented interfaces in Windows 95, for example,  
14 right?

15 A. That may be the case.

16 Q. All right. Well, have you ever seen this book?  
17 It's a very thick book, entitled Unauthorized Windows 95,  
18 by a man named Andrew Schulman. Have you ever seen that  
19 book, sir?

20 A. I have seen that book.

21 Q. Okay. You have seen that book before. And the  
22 entire book is about interfaces in Windows that  
23 Mr. Schulman discovered using reverse engineering tools  
24 and then he explains to software developers how to call  
25 them; isn't that right?

1           A.    I believe that's a correct characterization of  
2 this book.

3           THE COURT:  Ms. Vishio, there's only one copy  
4 of the book.  I just told Ms. Vishio if she wanted to  
5 look at it, she could.

6           MR. HOLLEY:  Yeah, Your Honor, I'm sorry.  
7 Amazon only has limited numbers of ancient books, but  
8 that's the book.

9           THE COURT:  Some may say that's one too many.

10          MR. JOHNSON:  I've got a copy, Your Honor.  I  
11 should have brought it.

12          MR. HOLLEY:  All right.  Well, it's no  
13 secret.

14          Q.    BY MR. HOLLEY:  Now, how is, Mr. Richardson,  
15 that it's possible for Mr. Schulman to write an entire  
16 book about interfaces as to which Microsoft has never  
17 provided any documentation, but you testified that Novell  
18 couldn't call API's that had already been documented in  
19 the M6 Beta of Windows 95?

20          A.    So, I don't have any knowledge of how Andrew  
21 Schulman did his work, the time period he did it, nor the  
22 period of time it took him to accomplish that work, nor  
23 do I know what level of cooperation he had with Microsoft  
24 to achieve that.  My -- I'm sorry.  What was the rest of  
25 the question?

1 Q. The question is, if Mr. Schulman can find all  
2 these interfaces inside Windows 95 that Microsoft has  
3 never published and write a book in which he explains how  
4 to call them, how is it that you, at Novell, could not  
5 call interfaces that Microsoft had documented?

6 A. So, I believe I've covered this. I'll try to  
7 cover it again. Perhaps it was unclear. The API's that  
8 were called were -- were understood, and we provided  
9 those to common NameSpace. It was documentation that was  
10 not provided that caused us a problem, and then building  
11 up the infrastructure that made use of the calls to those  
12 API's that was the complexity. That was what took the  
13 time. Simply calling these API's was simple. We had the  
14 documentation. We knew how to call them. It was the  
15 documentation that wasn't exposed plus building up that  
16 whole system that made use of those API's, that was the  
17 complexity for us at the time, and, in addition, putting  
18 the wrappers around the pieces that Microsoft had  
19 provided because we didn't know how it was that the  
20 system was talking to them.

21 Q. Mr. Richardson, I'm going to give you analogy  
22 and see whether you agree with it. Your testimony is  
23 equivalent to saying: I didn't know how to open the door  
24 to the house, so I decided to rebuild the entire house.  
25 Isn't that what you're saying?

1 A. I wouldn't characterize it that way.

2 Q. But that's exactly what you did?

3 A. I could provide my own analogy if you'd like.

4 Q. No. Actually, you don't get to ask the  
5 questions. It may not seem fair. I do, but what you did  
6 is, because you didn't feel that you could call the  
7 API's, you decided to reimplement them, meaning to write  
8 all of the code underneath those API's yourself. That's  
9 what you did, didn't you?

10 A. No. Once again, we didn't reimplement the  
11 API's. Everybody who provided a NameSpace provided the  
12 API's. So the implementation of the API was constant.  
13 That was done prior to us having the documentation  
14 retracted. The difficulty was creating up, once again,  
15 the infrastructure that made use of those API's.

16 Q. All right. So, your testimony is that, before  
17 October of 1994, Novell had already written the  
18 implementation of the 16 or 17 interfaces that we had  
19 looked at earlier. That's your testimony?

20 A. I'm sorry, could you repeat that?

21 Q. Sure.

22 Can we put that up again, the list of the  
23 interfaces? I forget the DR number. Bear with me one  
24 moment, Mr. Richardson. So it's DR-5.

25 So, it's your -- I'm not trying to put words in

1 your mouth, I'm just trying to understand what you're  
2 telling me. You're telling me that, before October of  
3 1994, when Novell learned that Microsoft was not  
4 committing to support the NameSpace extensions in the  
5 future, Novell had already written the code to implement  
6 all of these Comm interfaces?

7 A. So, my testimony is that Steve Giles, in  
8 working with the documentation for Microsoft, had written  
9 our own file open dialog that made use of the interfaces  
10 provided by Microsoft necessary to interact with the  
11 NameSpace extensions.

12 I was not yet involved with the file open  
13 dialog at that point. I wasn't directly working on that  
14 code. It was in my group. We shared a technical lead,  
15 but I wasn't working on that work directly, so some of  
16 these API's are not used by NameSpaces directly. Some of  
17 them are used to provide functionality; for example, the  
18 IContext menu, that wouldn't necessarily be directly  
19 used, wouldn't be implemented by the file open dialog.  
20 It would be implemented by someone who wanted to extend  
21 that particular API.

22 So, I'm not sure I can answer your question.  
23 It groups things together probably that I wouldn't group  
24 together.

25 Q. It's my fault, I'm sure. I thought -- I

1 understood you to say earlier that Steve Giles, between  
2 June and October, wrote a Perfectfit file open dialog  
3 that called the NameSpace extension API's in Windows 95,  
4 and you weren't happy with the performance of that file  
5 open dialog. Did I understand that much of your  
6 testimony?

7 A. Steve Giles created the file open dialog. At  
8 the point where he was nearing completion of that, and as  
9 we were trying to optimize and work through the final  
10 issues, we discovered performance issues that were  
11 unacceptable.

12 Q. Okay. And then you went to a different option,  
13 which was to reimplement these interfaces yourself,  
14 right? Instead of calling them in Windows, you were  
15 going to implement them yourself in code that the shared  
16 code team wrote?

17 A. I also wouldn't call that an accurate  
18 characterization. The implementation -- the browser  
19 calls these interfaces. It provides some of these  
20 interfaces, but most of these interfaces are provided by  
21 other pieces of code that are the ones that actually  
22 provide the functionality. The file open dialog is  
23 providing the environment in which they are called, and  
24 so, we didn't implement most of these interfaces.

25 We made use of them in the file open dialog --

1 Q. Okay. I think --

2 A. -- so we didn't decide to reimplement these  
3 interfaces, no. That wouldn't be accurate.

4 Q. Okay. I think you and I are having a  
5 terminological problem, and that's my fault, I'm sure.  
6 When -- you're using the word "implement" to say call the  
7 interfaces?

8 A. No, sir. I am using the word "implement" to  
9 mean I provide this interface, and someone can call it.

10 Q. Okay. So there are one of two choices, right?  
11 Either these interfaces, which are in Windows 95 are  
12 being called in the operating system, or somebody wrote  
13 code at Novell so that, when somebody else called the  
14 interface, the same functionality that the operating  
15 system was going to supply to the calling program was  
16 supplied. You agree with that right?

17 A. I believe that's technically inaccurate. Every  
18 NameSpace or -- there's other objects that provide some  
19 of these extensions as well, but every piece of code that  
20 wants to provide functionality provides these interfaces  
21 and then they are called by a NameSpace browser. The  
22 explorer is a NameSpace browser, the common file open  
23 dialog is a NameSpace browser, our open dialog is a  
24 NameSpace browser. So we made use of, we called the  
25 API's as implemented by the NameSpaces. Some of those

1 NameSpaces were provided by Microsoft.

2           We did not rewrite those NameSpaces. We did  
3 put wrappers around them because we needed to get access  
4 to them in a way that we didn't know how to talk to them.  
5 We did implement our own NameSpaces as well, and in those  
6 cases, we did implement these interfaces for those  
7 objects, but not for the rest of the system.

8           Q. I'd like to show you what's been marked as  
9 Defendant's Exhibit 106. Mr. Richardson, this document  
10 is entitled Concept Design Specification, Perfectfit 95,  
11 File System File Open, and it's dated March 31, 1995.  
12 Have you seen this document before?

13           A. I don't recall having seen this document.

14           Q. Well, didn't you work -- weren't you one of the  
15 seven people writing the Perfectfit 95 file system file  
16 open in March of 1995?

17           A. I was. I just don't recall this document.

18           Q. Okay. Now, directing your attention to the  
19 page that has the control number, 6188 at the bottom,  
20 it's about, I don't know, halfway through this document.  
21 It's entitled API Specifications.

22           Can you explain to the jury what this is  
23 referring to when it says: "The Perfectfit NameSpace  
24 browser component user will need to know about the  
25 following Comm interfaces, although C++ wrappers will be



1 written for those that want to be insulated from Comm."

2 A. And the question is?

3 Q. Can you explain what that means?

4 A. It appears, IMoniker is the interface provided  
5 by Microsoft that allows you to interact with a file  
6 object. So, I believe that this is saying that the  
7 Perfectfit NameSpace browser has to understand how to  
8 talk to file objects in Microsoft -- in Win 95.

9 Q. Well, how did you understand IMonikerInterface  
10 meant or what IPersistStream meant or IStream or  
11 IShellFolder? How did you understand what all of these  
12 Windows 95 interfaces meant and how they worked, if you  
13 never got the documentation from Microsoft that you  
14 needed?

15 A. So --

16 Q. How did you know that?

17 A. So, these interfaces were among the interfaces  
18 presented at that first developer conference. These  
19 interfaces, the code may have been extracted from the  
20 shell obj.h file, the header file which defines  
21 interfaces. It looks to me like this interface was  
22 simply extracted from that header file.

23 Q. I thought that was just machine documentation  
24 that no human being could make any sense of, that shell  
25 obj document?

1           A.    Well, some people don't consider developers  
2 human beings.

3           Q.    But you and I can read this, right?

4           A.    It is very technical.

5           Q.    Okay.  It's very technical, but the shell obj  
6 document, which we are going to look at that minute,  
7 isn't just machine documentation is it?  It's a bunch of  
8 commentary and code written in a computer language that  
9 anyone with sophistication understands; isn't that  
10 right?

11          A.    So, my understanding of shell obj.h is that  
12 it's a machine-generated file, which means that there's a  
13 mechanical process that goes through and produces the  
14 file based on some input.

15          Q.    But a man named Satoshi Nakajima, in Redmond,  
16 Washington wrote a document called shell obj space  
17 060994, didn't he?

18          A.    I have no knowledge on that.

19          Q.    You don't know one way or the other, do you?

20          A.    I don't.

21                MR. HOLLEY:  Could we look at what's  
22 Defendant's Exhibit 142, please.

23          Q.    BY MR. HOLLEY:  Now, you'll agree with me that  
24 this document, which says it's copyright Microsoft  
25 Corporation 1991 to 1994, is the documentation that

1 Novell got with the M6 Beta of Windows 95 in June of  
2 1994, correct?

3 A. This looks like a copy of -- a correct copy of  
4 shell obj.h, and I don't think I could testify as to when  
5 this was produced or to whom it was delivered, when.

6 Q. When did you first see it, sir?

7 A. I believe I probably saw parts of this  
8 information at the initial conference in 1993. It was  
9 probably available with some of the Betas. I didn't have  
10 primary responsibility for this, so Steve Giles would  
11 have been introduced specifically to the contents of this  
12 file before I was. I probably started working directly  
13 with this file after the documentation was retracted.

14 Q. All right. You used the word "probably" an  
15 awful lot in that answer, so I would like to probe what  
16 it is you remember. You don't remember getting this  
17 document, dated June 6 -- or excuse me -- June 9, 1994,  
18 at some conference in 1993, do you?

19 A. I remember having this file and looking through  
20 this file. I don't recall the specifics of how it came  
21 into my possession.

22 Q. Right. You don't have any memory about when  
23 you first got it, do you, sir?

24 A. I don't know.

25 Q. Okay. So, every line in this document that

1 begins with two slashes, that is in English, is it not?  
2 If you look through this entire document, every line that  
3 begins slash, slash is a comment, and it's in English,  
4 readable by any of us in this room; isn't that right?

5 A. That may be an over generalization, but they  
6 are comments meant to help clarify the code.

7 Q. They are documentation of the code, are they  
8 not, sir?

9 A. They are comments that provide additional  
10 information about the code.

11 Q. All right. Well, let's look at page 2 at  
12 IContextMenu just as an example.

13 Could we blow up the bottom part of that, that  
14 ends under the dash marks. So, this -- all of this is  
15 commentary because it all begins slash, slash, and,  
16 therefore, it's all a comment field. It's not machine  
17 language. It's English. And what it does is it explains  
18 what this API called IContextMenu does, and it tells you  
19 how to invoke it, and it tells you what to expect when  
20 you do invoke it; isn't that right, sir?

21 A. Let me read the documentation for a moment,  
22 please.

23 Q. Sure. Sure.

24 THE COURT: You're idea of English is different  
25 from mine.

1 MR. HOLLEY: I guess the beauty is in the eye  
2 of the beholder, Your Honor.

3 THE WITNESS: Okay. I'm sorry. What was the  
4 question, again?

5 Q. My question is, this is documentation of what  
6 the interface called IContextMenu does, right?

7 A. This covers that functionality, that's correct.

8 Q. And if we looked through this document, we'd  
9 see similar documentation, and I invite you to -- we  
10 don't all want to sit here while you do it -- but there  
11 is documentation for each one of the shell extension  
12 API's in this document in these similar sorts of comment  
13 fields. That's correct, isn't it, sir?

14 A. The documentation here provides much  
15 information but doesn't necessarily provide all  
16 information necessary to be able to invoke it or to make  
17 use of it.

18 Q. Well --

19 A. It describes how it's invoked, but it doesn't  
20 necessarily -- this particular example, the documentation  
21 appears fairly complete, but that isn't necessarily the  
22 case for each of the items, interfaces described here.  
23 They cover some of the information that you need to  
24 implement it, not necessarily all the information you  
25 would need to invoke it.

1           Q.    Well, would you agree with me that Microsoft  
2 has created a gold standard for documentation where, not  
3 only does it tell people what interfaces do and how to  
4 call them and what to expect, but Microsoft, in --  
5 through the Microsoft developer network, gives people  
6 sample code that calls interfaces, and it provides long  
7 written explanations for how to do that, but all of that  
8 fancy documentation is not necessary for very  
9 sophisticated software developers who are experts at  
10 Windows programming.  Isn't that right?

11           A.    Well, there's a number of assertions there.  I  
12 think Microsoft does do a good job of documentation.  
13 There are certainly others who do an equally good job  
14 with documentation.  The amount of documentation related  
15 to the number -- or the expertise of the developer, I'm  
16 not sure I would necessarily agree with that  
17 categorization.

18                    An expert developer may not need to ask much  
19 example code, but he certainly still needs an explanation  
20 of all of the syntax and semantics of every API.

21           Q.    Okay.  But that's in this document, is it not?  
22 The syntax and the semantics of every one of these API's  
23 is in this document, and somebody who is an expert  
24 Windows programmer can do it because Steve Giles did.  
25 Isn't that right?

1           Steve -- you have already testified that Steve  
2 Giles of Novell, in the shared code team, took this  
3 documentation and wrote a file open dialog. That's your  
4 testimony; isn't it, sir?

5           MS VISHIO: Objection. Compound.

6           THE WITNESS: So, which question would you like  
7 me to answer first?

8           THE COURT: And I'll sustain the objection.  
9 Break it down.

10          MR. HOLLEY: All right. I got carried away.

11          Q. BY MR. HOLLEY: We know that you can use this  
12 documentation to write a file open browser that calls the  
13 Windows 95 shell extension API's because Steve Giles,  
14 according to you, did it between June and October of  
15 1994.

16          A. So, Steve made use not only of this  
17 documentation but also extensive support. From my  
18 recollection of conversations with him, he indicated that  
19 he needed significant support from premier support and  
20 through the CompuServe forum in order to complete the  
21 work that he did.

22          Q. Which he apparently got, right, because he did  
23 it?

24          A. That's correct.

25          Q. Okay.

1           A.    To the point that he finished it, he got the  
2 support he needed.

3           Q.    Great.  Okay.  Now let's talk again about  
4 Quickfinder.  Now, you said that Quickfinder was part of  
5 the WordPerfect word processing application?  Did I  
6 misunderstand you when you said that?

7           A.    So, Quickfinder was developed outside of the  
8 development group that did WordPerfect, but the  
9 integration of Quickfinder into WordPerfect was very  
10 tight.

11          Q.    Well, in fact, Quickfinder was developed by  
12 people who didn't even work for Novell, right?  It was  
13 licensed in from somebody else?

14                    The original Quickfinder technology, I believe,  
15 it was licensed several years prior to -- that it  
16 happened in Windows.  I'm not an expert on that  
17 technology or how it was licensed.

18          Q.    Okay.  Now, it wasn't necessary, in order to  
19 make Quickfinder prominently available to users of  
20 Windows 95, to make it a shell NameSpace extension in  
21 Windows explorer, was it?

22          A.    I'm sorry.  Could you repeat that question.

23          Q.    Sure.  In order to prominently display Novell's  
24 Quickfinder technology in the Windows 95 user interface,  
25 it wasn't necessary to make it a NameSpace extension in



1 the Windows explorer, right?

2 A. I don't believe -- I want to make sure I  
3 understood the question. Your question was that, in  
4 order to make the functionality prominent to the user?

5 Q. Yeah.

6 A. So, I would say that the intention of the  
7 Quickfinder integration was not to make the functionality  
8 prominent to the user but, rather, to ease the user's  
9 experience and provide a better experience for him. So,  
10 I'm not sure that prominence was necessarily a role.

11 Q. Okay.

12 Let's look at DR-9 if we could, please.

13 Now, we made this slide last night, but when we  
14 installed Corel WordPerfect Office that was released in  
15 June of 1994, one of the options that we had was to  
16 install Quickfinder.

17 THE COURT: What -- I'm sorry.

18 MR. HOLLEY: I'm sorry. '96. It would have  
19 been nice if it was '94. The --

20 MR. JOHNSON: We wouldn't be here, Your Honor.

21 MR. HOLLEY: Well, we couldn't have been here  
22 because Windows 95 wasn't out in '94.

23 Q. BY MR. HOLLEY: But, anyway, last night we  
24 installed Corel WordPerfect Office, and it came out in  
25 1996, and one of the options that was available was

1 putting the Quickfinder application right on the desktop.

2 You're aware that that was possible, are you not, sir?

3 A. I didn't recall that.

4 Q. Okay. But you don't have any doubt that this  
5 is possible based on what you see here on the screen?

6 A. No.

7 Q. Okay.

8 And can we look at DR-10, please.

9 And this is another way that Novell could have  
10 made Quickfinder technology available. In fact, Novell  
11 did make Quickfinder technology available to users on  
12 Windows 95, which was by adding the Quickfinder  
13 application to the start menu when you hit the start  
14 button. That was a possibility, was it not, sir?

15 A. It certainly is possible to add Quickfinder as  
16 an application to the start menu, yes.

17 Q. Okay. Now, Novell didn't have purely  
18 user-friendly interests in heart in making Quickfinder  
19 technology prominently available in Windows 95; isn't  
20 that right? Wasn't there a competitive motivation for  
21 doing that?

22 A. I don't know that I'm qualified to testify to  
23 the -- the desires of the designers of the product with  
24 regard to competitiveness. I'm a software developer, and  
25 my interaction with Quickfinder was to make the user

1 experience better. The interaction that I had with those  
2 that set the direction of the product with regard to  
3 Quickfinder was ease of use and functionality provided to  
4 the user.

5 Q. Would you feel differently about what you were  
6 doing if you knew that the people, who did run the  
7 Quickfinder product, thought that it -- making it visible  
8 in Windows like this was a way to deflate Microsoft's  
9 future operating system plans?

10 A. I'm not sure. The question is -- you're asking  
11 me to speculate on what my feelings might have been if  
12 some information had been available to me 17 years ago?

13 Q. Yes.

14 A. That I didn't have then?

15 Q. Right. Well, you've been testifying today,  
16 without any apparent problem, about things that happened  
17 17 years ago, right?

18 A. I'm just asking if that's what you're asking.

19 Q. Yes, sir. That is exactly what I am asking  
20 you.

21 A. So, I have to think about that because I'm not  
22 sure how I would have felt. I can say that I liked the  
23 technology, and I liked the integration of the  
24 technology. I thought it was really fast. It was very  
25 effective at finding things, and I think it would have

1 been a good augmentation to the functionality provided to  
2 Windows users at large.

3 Q. It would have augmented the functionality in  
4 the operating system, and you thought that would be good  
5 for users?

6 A. I think that would have been good for users.

7 Q. Okay. You're aware that Microsoft, at this  
8 time, was developing a new object-oriented operating  
9 system called Cairo. The project name was Cairo. Are  
10 you aware of that?

11 A. I remember hearing about Cairo.

12 Q. Okay. And one of the things that the Cairo  
13 shell, this new object-oriented Cairo shell was going to  
14 do, is make it very easy to find any kind of object  
15 anywhere in the system; isn't that right?

16 A. I don't recall the details of the functionality  
17 related to search on Cairo.

18 Q. You do recall, though, that search was a  
19 critical part of the Cairo operating system as it was  
20 being designed in 1994?

21 A. I don't recall that, no.

22 Q. You don't recall? Okay.

23 Let's look at DX-73.

24 This is a document entitled Quickfinder 32 bit,  
25 a Chicago Explorer Extension. And it's dated September 6

1 of 1994. And up at the top, in the concept section, this  
2 reflects what you've been telling us today, which was  
3 adding Quickfinder to the Chicago explorer menu to extend  
4 explorer's capabilities gives Chicago users full text  
5 indexing and retrieval, right?

6 A. It looks like that's what it says.

7 Q. Okay. And just so we're all clear, what this  
8 is saying is, Novell could have added a product to  
9 Windows outside of WordPerfect and Quattro Pro, which  
10 would have given users of the operating system something  
11 they wouldn't otherwise have, which is text and indexing  
12 and retrieval; is that right?

13 A. I don't know if there was ever an intent to  
14 ship Quickfinder outside the context of WordPerfect and  
15 Quattro Pro.

16 Q. But you told me this morning, sir, that once  
17 Quickfinder was installed, by whatever mechanism; for  
18 example, by installing PerfectOffice, that it would be in  
19 the system, and it would have placed itself in Windows  
20 explorer. In your world, it would have placed itself in  
21 Windows explorer and in the Windows common file open  
22 dialog, and it would be available even if I never ran  
23 WordPerfect once, right?

24 A. Once again, it didn't show up in the file open  
25 dialog.

1 Q. It didn't because of the way you designed the  
2 product, but in your vision --

3 A. I don't believe that is an accurate  
4 characterization.

5 Q. Excuse me, sir. I need to finish my question  
6 and then you can answer. If you had been allowed to do  
7 what you wanted to do, what you testified this morning on  
8 direct that was critical for you to do, Quickfinder,  
9 among other Novell technologies, would have shown up,  
10 after the installation of PerfectOffice, in the Windows  
11 explorer and in the Windows common file open dialog, even  
12 if I never once ran WordPerfect or Quattro Pro on my  
13 machine. Isn't that right?

14 A. No, sir. The Quickfinder would not have  
15 appeared in the common file open dialog.

16 Q. That was not your plan?

17 A. The reality was that, when we added extensions,  
18 they didn't show up in the file open dialog, the common  
19 file open dialog. Whether that was an intent or not of  
20 ours, is irrelevant. It didn't work.

21 Q. Well, I appreciate your view of what's relevant  
22 and what's not, sir, but I really do need you to answer  
23 the questions that I ask you. And the question that I  
24 asked you was, do you -- was it your intention? That is  
25 my question. Was it your intention, in 1994, to have a

1 system where, if I installed PerfectOffice, I would get  
2 Quickfinder in the Windows explorer and the Windows  
3 common file open dialog even if I never once ran  
4 WordPerfect or Quattro Pro?

5 A. I can't agree with that for two reasons. It  
6 was not our intent to put our NameSpaces into the common  
7 file open dialog because it didn't work. We stuck them  
8 in, and they didn't show up. So, to suggest that it was  
9 our intent to do something that we knew wouldn't happen,  
10 I don't think that's accurate. The other issue -- I'm  
11 sorry. Could you repeat the question, please?

12 Q. Well, let me ask you a different one. When  
13 Steve Giles started writing the code that you testified  
14 about just now, in order to call the NameSpace  
15 extensions, what he was trying to do, the reason that  
16 Steve Giles wrote that code, was so that Novell  
17 technologies, like Quickfinder, the email client, the  
18 Soft Solutions document management system would show up  
19 in the Windows explorer and the Windows common file open  
20 dialog, correct?

21 A. So, your question is, was the intent of  
22 producing the file open dialog or the NameSpaces -- I'm  
23 not sure what your question was there -- to augment the  
24 functionality of the explorer and the common file open  
25 dialog?

1 Q. Yes, sir.

2 A. No. I would not agree with that. Once again,  
3 it was not our intent to extend the common file open  
4 dialog because it wasn't extensible. We had --

5 Q. Let's focus --

6 MR. JOHNSON: Let him finish.

7 MR. HOLLEY: I thought he had.

8 THE WITNESS: So, it wasn't our intent to  
9 extend the common file open dialog because we were  
10 unsuccessful in doing that. We realized that early on,  
11 and that wasn't a goal of ours. That wasn't an intent.

12 Q. Well, let's be clear about chronology, if we  
13 could. I'm asking you about the intent at a very  
14 specific period of time, and I ask you to bear with me on  
15 this. In June of 1994, when Novell got DX-142, which was  
16 the documentation that Microsoft provided in the M6 Beta,  
17 and Mr. Giles, according to your testimony, began writing  
18 a Perfectfit file open dialog for Windows 95, his  
19 intention, the company's intention, at that time, was to  
20 create a system where Novell could add its own NameSpaces  
21 both to the Windows explorer and to the Windows common  
22 file open dialog?

23 A. So, the decision to create our own file open  
24 dialog followed the evaluation of the common dialog where  
25 it was determined that NameSpaces couldn't be added to



1 it. That was one of the reasons we determined to write  
2 our own file open dialog.

3 Q. I'm going to ask you a yes-or-no question, and  
4 I really need you to answer it, sir. In June of 1994,  
5 when Mr. Giles began writing the file open dialog for  
6 Perfectfit, is it correct that the intention,  
7 at that time, was to add Novell technologies, like  
8 Quickfinder, to the Windows explorer and the Windows  
9 common file open dialog? Yes or no?

10 A. My understanding -- since I wasn't the one  
11 working on it, my understanding, through conversations  
12 with Steve and Adam, was that the intent of the file open  
13 dialog, the primary intent of the file open dialog was to  
14 provide file open services for the WordPerfect  
15 applications. It was not -- the primary purpose was not  
16 to extend the explorer or the common file open dialog.

17 Q. Did I ask you about the primary purpose? Can  
18 you answer the question, sir, that I asked you?

19 MS VISHIO: Your Honor, he's trying his best to  
20 answer the question.

21 MR. HOLLEY: He is not, Your Honor.

22 THE COURT: I think you can say yes or no and  
23 then you can explain it.

24 THE WITNESS: Given the number of constraints  
25 placed upon the statement, I would have to argue, no, I

1 don't believe that was the intent.

2 Q. BY MR. HOLLEY: Even though you weren't the  
3 person responsible for making that decision at the time?

4 A. I was not the person responsible. I was not  
5 the person who had the intent.

6 Q. Okay. All right. Let's go back to DX-73. Now  
7 we're talking about Cairo, and we're talking about  
8 Novell's desire to add searching and indexing  
9 functionality to Windows 95. Now, in this document,  
10 under Impact -- we've talked about the concept. The  
11 concept is to add Quickfinder to the Chicago Explorer  
12 menu to extend explorer's capabilities, giving Chicago  
13 users full text indexing and retrieval.

14 And then, under Business Opportunity, it says:  
15 "Microsoft has said that text indexing and retrieval will  
16 be part of its future operating system called Cairo,  
17 which, at best estimates, is one and a half to two years  
18 away from shipping."

19 Were you aware of that at the time, sir, that  
20 Microsoft was developing Cairo, but it was one and a half  
21 to two years away from shipping?

22 A. I was aware that there were plans for Cairo. I  
23 don't recall estimates on how long it would take to be  
24 shipped.

25 Q. Okay. And then, under Impact, it says:

1 "WordPerfect, the Novell applications group" --

2           So that's not just referring to WordPerfect,  
3 the word processor, that's referring to the whole  
4 applications group, right?

5           A.    It sounds like it.

6           Q.    Okay: "WordPerfect, the Novell applications  
7 group, can provide under Chicago what Microsoft says they  
8 will only do under their future product called Cairo.  
9 Adding this functionality now will popularize Chicago and  
10 build a customer base with certain expectations, thus  
11 delaying the acceptance of Cairo because users will  
12 already have text retrieval and indexing which is faster  
13 than they can get under Cairo."

14           So, what Novell was doing was trying to make  
15 Windows Chicago, Windows 95, a better operating system by  
16 giving users searching and indexing functionality that  
17 would improve Windows 95, but Novell hoped would delay  
18 and impede acceptance of Microsoft's next operating  
19 system. Isn't that what this says?

20           A.    Well, it looks like this was written by someone  
21 named Rodney Smith.

22           Q.    Uh-huh.

23           A.    It appears this may have been his opinion.

24           Q.    Okay.

25           THE COURT: And I'm just curious. In Illinois,

1 don't they pronounce Cairo, Key-ro? I just wondered  
2 whether people mispronounce this all the time?

3 MR. HOLLEY: In Illinois, there is a small town  
4 that one of my senior partners grew up in called Cairo.

5 THE COURT: I assumed there was a connection  
6 with Chicago, Capone and Kay-ro. I was wondering if  
7 people had been mispronouncing Cairo all the time.

8 MR. HOLLEY: No, Your Honor. It was all called  
9 the road to Cairo, so it was Chicago, Nashville, Memphis,  
10 Cairo. So those were the code names. But don't ask  
11 me -- some Egyptologist thought it was very entertaining.

12 THE COURT: Yesterday, I saw thunder and storm  
13 yesterday, but I don't remember seeing lightening on the  
14 Novell side.

15 MR. HOLLEY: I think people who make up these  
16 things --

17 Q. BY MR. HOLLEY: Just to be clear, this is  
18 another Novell document, right? It says Novell  
19 confidential down at the bottom. And it's got an NOV-B  
20 number on it. You're not suggesting that this is  
21 anything but a Novell record, are you, sir?

22 A. I have no knowledge of where this document came  
23 from.

24 Q. Okay.

25 A. I'm not suggesting it did or didn't come from

1 Novell.

2 Q. Do you think that Microsoft had an obligation  
3 to help Novell do something that would impede acceptance  
4 of some new Microsoft product still under development?

5 A. I believe that Microsoft had an obligation, as  
6 they worked with us and provided technology to us, to  
7 work with us in good faith, as we worked with them in  
8 good faith.

9 Q. But -- I appreciate that.

10 A. And I believe adding functionality to their  
11 existing operating system is acting in good faith.

12 Q. You thought you were doing them a favor. You  
13 were going to make Windows 95 better and thereby help  
14 Microsoft, whether they liked it or not, right?

15 A. We thought it was making the experience better  
16 for users.

17 Q. Okay. But can you answer my question, which  
18 is, do you think that Microsoft had an obligation --

19 THE COURT: Isn't that really argument?

20 MR. HOLLEY: Pardon, Your Honor?

21 THE COURT: Isn't that really argument, as  
22 opposed to what his opinion is?

23 MR. HOLLEY: Okay, Your Honor. I'll move on if  
24 that's the Court's view.

25 THE COURT: I can see this opening up a lot

1 that I don't want opened up.

2 MR. HOLLEY: Okay. Well, all right. We'll  
3 move on.

4 Q. BY MR. HOLLEY: Did you have, Mr. Richardson,  
5 any responsibility for communicating directly with  
6 Microsoft about getting documentation for Windows  
7 operating systems?

8 Not directly. Prior to Windows 95, our premier  
9 support had been very accommodating to allow various  
10 people to call on a single account. My recollection is,  
11 with Win 95, they tightened that down, and most of the  
12 communication went to one or two individuals in our  
13 company who were the contacts for premier support. So it  
14 wasn't normally my responsibility to communicate with  
15 them. Sometimes I would be in the room while the phone  
16 was on speaker phone, and I might have spoken up  
17 occasionally, but it wasn't my -- I wasn't the primary  
18 contact with Microsoft.

19 Q. Okay. And the two people you referred to are  
20 Lynn Monson and Adam Harral; is that correct?

21 A. I believe those are the two.

22 Q. Okay. Were you aware, sir, in 1994, there was  
23 a group at Microsoft separate from premier support called  
24 the developer relations group?

25 A. I don't recall.

1 Q. Okay. And I take it, then, that you never had  
2 any contact with a man named Brad Struss, who was the  
3 person in the developer relations group responsible for  
4 dealing with WordPerfect and Novell?

5 A. I don't recall working with him directly.

6 Q. Now, in October of 1994, when Novell learned  
7 that Microsoft was refusing to commit to support the  
8 NameSpace extension API's in the future, did you make any  
9 effort to communicate to anyone at Microsoft?

10 A. Did I, personally, make an effort?

11 Q. Yes, you, sir.

12 A. No, I did not.

13 Q. Did you make any effort to communicate to  
14 senior management at Novell, including Mr. Frankenberg,  
15 Mr. Rietveld, Mr. Brereton or Mr. Moon about the  
16 NameSpace extension API issue in October of 1994?

17 A. No, sir.

18 Q. Now, I want to make sure I understand your  
19 testimony. You told the jury that, after Novell made the  
20 determination that it had to follow what you called  
21 option 3, I believe, which was to write your own  
22 NameSpace browser, you, personally, and other people on  
23 the shared code team worked hundred-hour weeks for a  
24 year; is that right?

25 A. We worked extended over-time for a year.

1 Q. Okay. And is that the only thing that you were  
2 doing at the time?

3 A. I had responsibilities that I hadn't -- that  
4 hadn't gone to anybody else for code that I had already  
5 completed, to work on bugs or to work on in collaboration  
6 with other teams.

7 Q. Okay. But you weren't working on any other  
8 major projects at the time?

9 A. My primary responsibility was working on the  
10 file open dialog.

11 Q. I'd like to show you a document entitled  
12 Perfectfit Analysis and Design Document Help Subsystem  
13 Version 3. And it has -- it's dated internally April 11,  
14 1995. Now, Mr. Richardson, directing your attention --

15 THE COURT: For the record, do you want to mark  
16 this as your next exhibit?

17 MS VISHIO: Your Honor, I must confess, I don't  
18 know where we ended up.

19 THE COURT: Okay. Why don't you say next  
20 number, and it will be the next number.

21 MR. HOLLEY: The next number, Your Honor.

22 THE COURT: And right now it's for  
23 identification to let the other side know.

24 MR. HOLLEY: We're going to call this  
25 Defendant's Exhibit 627 for identification.



1 MS. VISHIO: Your Honor, can we not publish it  
2 to the jury, yet, then?

3 THE COURT: Yeah. Don't put it up --

4 MR. HOLLEY: Fair enough.

5 THE COURT: -- until defense counsel have had a  
6 chance to look at it.

7 MR. HOLLEY: Fair enough.

8 Q. BY MR. HOLLEY: Mr. Richardson, if you would,  
9 sir, can you turn to page 3 of this document, entitled  
10 Revision History. Sorry, I can see it, and you can't.  
11 Okay. This shows, does it not, sir, that you wrote this  
12 document in three iterations, starting on March 8 of  
13 1995, revising it on March 16 of 1995 and revising it  
14 again on April 11, 1995; is that right, sir?

15 A. That's correct.

16 MR. HOLLEY: Your Honor, I'd move for the  
17 admission of Defendant's Exhibit 627.

18 MS VISHIO: We have no objection, Your Honor.

19 THE COURT: Thank you. You can put it back up.

20 (Defendant's Exhibit 627 received in evidence.)

21 Q. BY MR. HOLLEY: Okay. So -- and, again, you  
22 know, we have another one of these strange dates on the  
23 front, which we should ignore, because that's the date  
24 that this document was printed, not the date it was  
25 written. But, Mr. Richardson, this is something -- a big

1 project that you were doing in the spring of 1995; is  
2 that correct?

3 A. I was involved with this project. My role, as  
4 I recall, was to take the work that had been done by the  
5 user experience people and formulate the requirements,  
6 which were then granted to another team which was  
7 actually doing the work.

8 Q. Okay. But you are the author of this analysis  
9 and design document, sir?

10 A. I produced the document.

11 Q. Okay.

12 A. I did not produce the analysis.

13 Q. All right. And in your -- in the answer that  
14 you just gave me, you said that you took information from  
15 a usability test group. Did I understand you, sir?

16 A. The usability -- or the user experience  
17 group.

18 Q. Okay. Now, I'm sure you'll tell me if I'm  
19 wrong, but I thought you told me earlier today, when we  
20 were talking about potential user confusion, if we added,  
21 you know, 20 or 30 NameSpaces to the Windows explorer,  
22 that you really didn't know anything about usability  
23 testing or user experience. Did I misunderstand you  
24 there, sir?

25 A. So, I was not a member of the user experience

1 team, but I took their requirements and translated them  
2 into development requirements, which were then passed  
3 along to another team. I don't claim to be a usability  
4 expert.

5 Q. Fair enough. Fair enough. Now, are you aware  
6 that, in the summer of 1995, in July of 1995, that there  
7 was an increasing level of frustration, at the senior  
8 management levels in Novell, that the file open dialog  
9 that the shared code team was writing was taking an  
10 awfully long time to get finished?

11 A. There was certainly pressure to complete tasks.  
12 My manager was Tom Creighton. I think he probably did a  
13 pretty good job of insulating us, who were actually  
14 trying to get the work done, from pressures coming from  
15 other sources.

16 Q. Well, part of the problem in the summer of 1995  
17 is that nobody knew what they were supposed to be  
18 writing; isn't that fair?

19 A. I'm not sure what you mean by that.

20 Q. The people writing the software code for the  
21 Perfectfit file open dialog for Windows 95 weren't quite  
22 sure what they were supposed to be writing. Isn't that  
23 fair?

24 A. I wouldn't characterize it that way. When we  
25 realized we were going to have to do this bigger effort

1 to try to get things done, I think it's fair to say we  
2 didn't know how big it was. We didn't know everything that  
3 was going to have to be done. We had a general idea of  
4 what needed to be done, and we certainly didn't know the  
5 details, and we didn't know how much resources it was  
6 going to take, how long it was going to take, but we knew  
7 where it started, and so we started. And as we worked,  
8 we learned more and -- until we finished the product.

9 Q. Okay. Well, let's look at Defendant's Exhibit  
10 114. Now, this is a document entitled Perfectfit 95 Open  
11 File Dialog. And that is, in fact, the very thing we  
12 have been talking about just now, right? This is the  
13 open file dialog that people were working on in the  
14 summer of 1995?

15 A. I haven't read this document. I don't know if  
16 I've seen this before, but we were working on the open  
17 file dialog in that time period, yes.

18 Q. Okay. And there is, under the history section  
19 of this document, which appears about in the second  
20 paragraph there, there is a series of dates. Who was  
21 Jack Young?

22 A. Jack Young was one of our usability experts.

23 Q. Okay. So let's read them from the bottom up.  
24 We won't look at every single one of them. But it says:  
25 "Jack Young called a meeting describing a proposal

1 for the dialog. Gary Gibb, Steve Giles, Bruce Tiejn "--  
2 I'm probably mispronouncing that terribly -- "attended."

3 Now, Gary Gibb had what job, sir, at this time.

4 A. If I recall correctly, Gary was responsible for  
5 the production of WordPerfect at this time period,  
6 although that may not be accurate.

7 Q. Okay. And Steve Giles, you've told us before,  
8 was a member of the shared code team?

9 A. That's correct.

10 Q. Correct? And he was still working with you at  
11 this point on the file open dialog that you were working  
12 on, too?

13 A. That's correct.

14 Q. Okay. And Bruce Tiejn was --

15 A. Tiejn.

16 Q. Okay.

17 A. Tiejn.

18 Q. Tiejn. Okay. Sorry. I wouldn't have guessed  
19 that from the spelling, but, okay. And what was his job?

20 A. Bruce Tiejn was the developer on the  
21 Quickfinder who was mostly responsible for the NameSpace  
22 integration.

23 THE COURT: You might spell Tiejn for the  
24 court reporter, if you might. Is it T-i-e-j-i-e-n?

25 MR. HOLLEY: I think there's a "T" missing in

1 this typing, Your Honor. I thought it was T-i-e-t-j-e-n,  
2 but I'm probably the worst person to ask, but I've seen  
3 other documents where it's spelled that way.

4 Q. BY MR. HOLLEY: So, Mr. Richardson, as I  
5 understand it, there was a meeting on June 2 of 1995, in  
6 which the meeting participants seemed interested in and  
7 the group proceeded to evaluate and treat the design, and  
8 there was a proposal made by Bruce Tiejn -- and I'm  
9 probably going to continue to mispronounce this -- about  
10 a tab dialog.

11 I mean, this all sounds to me -- and, I mean,  
12 correct me if I'm wrong, but it sounds to me like people  
13 are still talking about the design of the file open  
14 dialog, and we're now two months before the release of  
15 Windows 95; is that right?

16 A. I did not attend this meeting. I don't know  
17 specifically what was discussed, but it was a constant  
18 process while I was working at WordPerfect, to evaluate  
19 where you were along the way, to make sure that you're  
20 headed in the right direction. It was not at all  
21 uncommon for usability to review what we were doing, as  
22 we reached the end of a project, to ensure that we hadn't  
23 introduced usability concerns.

24 So, it doesn't surprise me that there's a  
25 usability evaluation at this point in the project.

1 Q. But let's look at what happened ten days later.  
2 Let's go up and highlight June 12 of 1995. It says:  
3 "Trying to understand the functionality of the dialog.  
4 In talking to Steve Giles, Jack and Bruce different  
5 answers. Some brainstorm attempts and general lack of  
6 overall functional design occurs."

7 Doesn't that suggest to you, sir, that in  
8 July -- excuse me, in June of 1995, two months before the  
9 release of Windows 95, there was a lack of overall  
10 functional design for the file open dialog that people  
11 were working on?

12 A. I'm not familiar with the meeting. I don't  
13 know what they discussed, and I don't know who produced  
14 this document or why they had this evaluation. I just  
15 don't have any direct knowledge about it.

16 Q. Okay. But, just to be clear, down at the  
17 bottom in italics this document says Novell Confidential,  
18 and it has an NOV-B sticker. You're not suggesting that  
19 this isn't from Novell's files?

20 A. I'm just suggesting, I wasn't privy to this  
21 discussion. My experience in working with the dialog at  
22 this point was we had made significant progress, and  
23 there was a lot of good functionality that had shown up.

24 THE COURT REORTER: I'm sorry. I can't hear  
25 you very well.

1 THE WITNESS: So, my experience in working with  
2 the dialog at this point was that there was a significant  
3 amount of functionality, and it was looking very good.  
4 That's my recollection.

5 Q. BY MR. HOLLEY: All right. Well, appreciate  
6 that. Let's look at the first paragraph of this  
7 document, which says -- I think it probably means "the,"  
8 but it says: "This main purpose of this document is to  
9 provide a functional description of the open dialogue for  
10 Storm."

11 Now, Storm is the code name for PerfectOffice,  
12 right?

13 A. I don't recall the code names for things.

14 Q. Okay. All right. Well, you don't have any  
15 doubt that we're talking about the same open file -- file  
16 open dialog that you and I --

17 A. It appears that's what they are talking  
18 about.

19 Q. Okay. And it says: "This document lists  
20 function and behavior and, most important, a consensus of  
21 open dialog functionality. This document was necessary  
22 to alleviate differences of opinion of how this dialog  
23 would be implemented. Coding will occur from the  
24 information provided by this document."

25 Now, how is it possible, Mr. Richardson, that



1 you have testified that coding was basically done, as I  
2 understood your testimony, when this document says coding  
3 will occur from the information provided by this  
4 document?

5 A. So, my knowledge is that coding had occurred,  
6 that there was a significant amount of progress made. It  
7 doesn't seem to me to say that coding would begin and  
8 hadn't ever been performed. You know, I think they were  
9 simply saying that their expectation was that the result  
10 of this conversation would be that something might  
11 actually be coded, it would actually affect the code,  
12 although that is entirely speculative. I was not at this  
13 meeting, and I don't know who wrote this or why they  
14 wrote what they wrote.

15 Q. Okay. Let's look at page 10 of this document.  
16 It has the control number 11401, if that's any easier.  
17 But the internal document number is 10. Are you with me,  
18 sir?

19 A. I'm on page 10. Yes. Thank you.

20 Q. And the part I'm interested in appears under --  
21 I assume that MISC is an abbreviation for miscellaneous.  
22 Do you use that kind of abbreviation?

23 A. That seems reasonable.

24 Q. Okay. And then under 3, it says: "Common Open  
25 Dialog. We'll support common open dialog functionality

1 within our open wrapper. The installation default  
2 would be the PF open dialog." And that's a reference to  
3 the Perfectfit open dialog, is it not, sir? Didn't you  
4 refer to the dialog that you were writing as the PF open  
5 dialog?

6 THE COURT: A yes or no to that question. Is  
7 PF dialog the Perfectfit open dialog?

8 THE WITNESS: Yes. I'm sorry. I didn't  
9 understand that was the question.

10 Q. BY MR. HOLLEY: I'm sorry, sir. I thought you  
11 heard me. I guess I'm having a hard time being heard  
12 today.

13 So, as I understand this, what it's saying is  
14 that, in July of 1995, there is a plan at Novell to give  
15 users, at the time that PerfectOffice is installed, a  
16 choice of using two file open dialogs. One is the  
17 Windows common file open dialog, referred to here as the  
18 common open dialog, and the other one is the one that was  
19 being written at Novell at the time, the PF open dialog;  
20 is that right?

21 A. It appears that that's what this is saying.  
22 Once again, I am not familiar with this meeting. I don't  
23 recall this issue.

24 Q. All right. And let's look at page 15 of this  
25 document. That's a picture, is it not, of the Windows 95

1 common open dialog?

2 A. All right.

3 Q. You don't know?

4 A. It may be. I don't know that I could  
5 definitively state that, but, okay.

6 Q. Okay. But you don't have any doubt that that's  
7 the picture that the author of this document decided to  
8 include at the back?

9 A. Okay.

10 Q. Okay. Now, you were shown, during direct  
11 examination --

12 I'd like to look at -- if you guys wouldn't  
13 mind putting up Demonstrative Exhibit 10.

14 Now, you didn't mean to testify, did you, sir,  
15 that is the file open dialog that appears in Corel  
16 PerfectOffice as released, right, when you gave all that  
17 testimony this morning?

18 A. I don't know if this is an actual screen shot  
19 or if this is a prototype mockup. This appears to me to  
20 be very similar to the Perfectfit open dialog in Windows  
21 95.

22 Q. Well, it's interesting that you refer to it as  
23 a prototype mockup because that's exactly what it is,  
24 isn't it?

25 A. I don't know where the graphic was generated.

1 Q. Well, when you gave the testimony today, that  
2 this was the file open dialog that Corel used, didn't you  
3 think it was important to figure out whether that was  
4 true or not?

5 MS VISHIO: Objection. This mischaracterizes  
6 his prior testimony.

7 THE COURT: Sustained.

8 Q. BY MR. HOLLEY: You don't know one way or the  
9 other, do you, sir, whether this is something other than  
10 a paper prototype of something that Novell thought about  
11 doing?

12 A. This looks very much like the file open dialog.  
13 It underwent many mutations. This could very well have  
14 been a screen shot from an actual invocation of the file  
15 open dialog, or it could be a mockup. I couldn't  
16 definitively state it's one or the other.

17 Q. Well, let's look at DR-1, please, which is the  
18 Perfectfit file open dialog. Your testimony is that  
19 those two things are the same.

20 And can we flip back to Demonstrative Exhibit  
21 10?

22 A. They look very similar to me.

23 Q. Okay. Do you see, in the real Perfectfit file  
24 open dialog -- and I'm happy to show this to you so we  
25 don't have to flip back and forth. Do you see a

1 find-file tab or a file-content tab or a find-by-form  
2 tab?

3 A. I do not see those.

4 Q. Okay.

5 THE COURT: Is this a good time to break for  
6 lunch?

7 MR. HOLLEY: Yes, Your Honor.

8 THE COURT: Okay. About 20 minutes. See  
9 everybody then.

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(Lunch break.)