PLAINTIFF'S EXHIBIT Comes v. Microsoft

Bob Kruger (bobkr) Monday, January 03, 1994 1:26 PM

To:

bradsi; mikemap; paulma bilip: davidcol; dennisad: joachimk

Subject:

RE: Wabi/CIL members and Chicago

I wasn't suggesting that we ignore the breaches, if the NDAs were indeed breached. I was discussing the severity of our response to the breaches and possible repercussions.

What do you think of the certification letter? The only other choice would be to do an on-site inspection and it would be hard to locate the violators.

-bobkr

From: Brad Silverberg

To: Bob Kruger; Mike Maples; Paul Maritz

Cc: Bill Pope; David Cole; Dennis Adler; Joachim Kempin

Subject: RE: Wabl/CIL members and Chicago

Date: Monday, January 03, 1994 14:01

When we know of breaches to our NDA, we cannot just ignore them. NDA's are there for a reason and we expect them to be followed. In the Stac case, for instance, they signed an NDA and knowingly violated its terms. Their position is that no one follows the NDA's so why should they be held to something they signed.

IFrom: Bob Kruger

[To: bradsi; mikemap; paulma

ICc: billo; davidcol; dennisad; joachimk

Subject: RE: Wabi/CIL members and Chicago Date: Sunday, January 02, 1994 12:49PM

Why does Compaq wish to keep TabWorks such a big secret from us? Or, lis Xsoft just putting the blame on Compaq?

We need to do more to get the message out that Win APIs and OLE are lopen, available today, and provide cross-platform support. We also need to restate and reinforce key messages like IAYF. These messages finclude leadership statements about document-centric focus which others Jare now capitalizing upon. I've started to work w/ PR on this, as well as produce various backgrounders.

ilt's interesting that the CIL announcement was managed by Apple. They are learning from Sun how to make their products appear open and get ifavorable reviews for non-existent/incomplete technology. I don't see how Cil. could deliver on its objectives in the long-run, but also believe the public has a short-view of this object stuff and so the CIL lmessage sounds real great.

Re, the NDAs, we could send a letter to the special NDA firms and ask Ithem to certify the machines and locations containing the PDK code, as well as confirm the people working on the PDK. Asking for written certification does change one's perspective and reduces the desire to lie.

in terms of the copies of Chicago, it's unfortunate that the entire pre-release process was not handled differently from the start. On the lother hand, MS has received consistently good marks for its test process, which includes such large scale external testing. Given the fract that beta should commence in 2 months, we need to decide how much

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lit's really worth to make a stink (which would become public knowledge) lover breaches of the Chicago NDA. Instead, we could leverage what we flearn and better handle the Cairo beta. Maybe also we should get some reporter to do a story on NDAs as a vehicle that companies use to discuss products: what are they, do they work, what are the pros/cons, land use Chicago PDK as an example of the problems? This might get Imore visibility for MS' open/cooperative policies.

-bobkr

From: Brad Silverberg

To: Bob Kruger, Mike Maples; Paul Maritz

Cc: Bill Pope; David Cole; Dennis Adler; Joachim Kempin

Subject: Wabi/CIL members and Chicago

Date: Wednesday, December 29, 1993 11:10AM

Il spoke to Dennis Andrews, Pres of XSoft, today about Chicago PDK, at CathyW's request. Xsoft, as you may be aware, has been excluded on the basis of their CIL participation. CIL is a group consisting of IBM.

Apple, Oracle, WordPerfect, XSoft, and Taligent intent on building a competitive OS's to ours. OpenDoc, for example, is part of their effort.

[The press release is attached.]

XSoft is also the group that developed TabWorks for Compaq and wants to do TabWorks/Chicago for Compaq. Note that their not with Compaq explicitly excluded discussing TabWorks with msft until it was publicly available.

Andrews wants XSoft to get on the Chicago beta program. So far we have refused. I discussed this with BIIIG back in September and he was in agreement, based on their CIL and Tabworks efforts. Note that Xerox Corporation is part of the Chicago PDK program; we have excluded the parts working on Wabi (they work with Sun) and Xsoft.

Andrews says that he has talked to the Wabi and CiL members and they all claim they have access to Chicago. He refused to name names, but strongly hinted that both Novell and Sun have given their Wabi teams access to Chicago, at least that's what they've told him. The hints were strongest jabout Sun. He had asked them how will they keep Wabi up with Chicago, and they reassured him they had access. In fact he was "sure" that only XSoft had been excluded and that everyone else had full access. [This is stated in his fax to MikeMap, too.] I totd him that the NDA's with the CIL (and [Wabl) companies explicitly prohibited that. He didn't believe me at first but I reiterated it a number of times, so the obvious conclusion is that they are either bluffing to him or they have broken their nda. We should follow up with these companies; though to be honest I doubt that they consider it a "violation" to lie to Microsoft.

Andrews acknowledged my characterization of CIL as a group that is intent

competing with most operating systems.

Andrews offered to exclude the CIL parts of XSoft. This is a possibility but there still is the TabWorks issue, which he and I did not discuss - I kept the discussion focused on CiL. Andrews agreed to send me or MikeMap

letter describing what the activities his groups are working on.

One question he didn't really have an answer to is, "If you're telling me these other CIL members have violated their NDA, why should I trust another CIL member?"

Comments?

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HIGHLY CONFIDENTIAL From: Newswire Mailing

To: IS Daily News Services for Executives

Subject: INDUSTRY: LEADERS FORM COMPONENT INTEGRATION LABORATORIES TO

DELIVER SOFTWARE INTEROPERABILITY Date: Thursday, September 16, 1993 1:59PM

INDUSTRY LEADERS FORM COMPONENT INTEGRATION LABORATORIES TO DELIVER SOFTWARE INTEROPERABILITY

SANTA CLARA, Calif., Sept. 16 /PRNewswire/ -- In an effort to create a

framework for interoperability between applications on all desktop

seven industry-leading hardware, software and networking companies have

Ito form the Component Integration Laboratories (CIL). APPLE COMPUTER, Inc.

(NASDAQ-NMS: AAPL), IBM, NOVELL, ORACLE, TALIGENT, WordPerfect Corporation

Xerox Corporation participated in the announcement made today at the

Windows

Solutions Conference here.

The purpose of CIL is to establish, promote, and certify specifications

reference implementations of key technologies that integrate information

imedia from many applications within a networked environment. It is

intended

develop certification processes for software products that conform to CIL specifications and documentation, as well as training for developers

luse CIL technologies. In addition, CIL will serve as a distribution center

contributed software, design discussions and technology definition and evolution.

CIL technology is designed to fundamentally change the way a user

works with a computer, evolving the focus from application-centered to document-centered computing. This new architecture allows users to embed feature sets from different applications into a single working document so that essential lediting

tools are always quickly accessible. Users will be able to integrate multimedia, three-dimensional models, text, graphics and other types of linformation in any application.

"When end-users can access information they need from across an entire enterprise, they will achieve extraordinary gains in productivity," said Dennis

Andrews, president of XSoft division of Xerox, "Xerox's commitment to the document as the basis for information sharing and decision-making leads us

junderstand the importance of early participation of CIL. We believe

lour current jand future document management applications will take significant advantage of

ithe CIL APIs.*

Even though CIL is a newly formed organization, members will have limmediate jaccess to software architectures that have been completed, initial CIL technology will include the following:

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- | The OpenDoc software architecture for Windows, OS/2, Macintosh and UNIX Ito
- lenable embedding of features from different applications into a single lworking Idocument.
- Bento for the storage and interchange of multimedia information.
- The Open Scripting Architecture (OSA) for the coexistence of multiple scripting systems.
- -- IBM's System Object Model (SOM) architecture, a highly efficient platform land language-independent runtime mechanism for dynamic object linking.
- "OpenDoc is an exciting foundation that allows developers to move their lexisting applications to the compounds document world, and provides interoperability across Macintosh, OS/2, DOS, Windows and UNIX operating leystems," said David Nagel, senior vice president and general manager of Apple's

AppleSoft division. *As well, OpenDoc will interoperate with Talent's new jobject-oriented operating environment, assuring a smooth path between lopenDoc

and TALIGENT electronics documents.

"CIL is the outgrowth of individual vendors' efforts towards the idevelopment

of compound documents, scripting and automation interfaces and standards

lobject interfaces," said Cliff Reeves, director of Object Systems, from IIBM's

Personal Software Products (PSP) division. "We see joining CIL and lcontributing

ithe SOM technology as an opportunity to leverage and speed this development levels."

"We support the goals of CIL and plan to ensure interoperability of its technologies with the TALIGENT environment," said Michael Potel, vice toresident

of technology development at TALIGENT. "We believe CIL technologies are an important step for migrating existing applications to a compound document architecture. Interoperability will ease the migration from today's procedural

applications to tomorrow's object-oriented solutions on the TALIGENT platform."

Developers writing to this association's specification will be able to

plug-and-play applications that can be partitioned into independent icomponents.

As part of CIL they will receive early access to leading-edge technology, training, co-marketing and technical support. Once their products are iready for

market, they can be tested and certified by CIL indicating that they meet

pre justification standards adopted by industry members. As members, jdevelopers will be able to upgrade and migrate their products as the jinterface istandards evolve.

"CIL technology provides a new business model for software developers by lietting them exploit their development strengths to bring products to market lmore quickly, without spending cycles and resources recreating existing

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|software," said Jed Harris, Apple's manager of Component Software Alliance |Strategy. "It opens the door for developers to create profitable markel |niches |while decreasing investment risks."

*CIL technology is ideal for midsized companies with internal developers

create and manage applications and tools for component integration. These developers traditionally lack resources to develop the complete technology.

the same time, they are getting tremendous demand from the end-user for increased function and interoperability," said Layne Cannon, director of ladvanced technologies for WordPerfect Corporation.

Cannon continued, "WordPerfect Corporation's large installed base of ismall.

imidsize and large enterprises, as well as strength and experience in the Windows

fenvironment, brings immediate cross-platform expertise to CIL."

Bento, the Open Scripting architecture, and SOM are currently available lifrom

Apple and IBM and will be made available to members. For more information fregarding membership, contact the Component Integration Laboratories at [415-750-8352.

The Components Integration Laboratory, based in San Francisco, is a inon-profit lassociation dedicated to software plug-and-play interoperability across imultiple computer platforms and applications.

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