United States Department of Justice

Antitrust Division
Washington, D.C. 20530

To Netscape Communications Inc.
501 E. Middlefield Rd.
Mountain View, CA 94043

Civil Investigative Demand No. 13262

This civil investigative demand is issued pursuant to the Antitrust Civil Process Act, 15 U.S.C. §§1311-1314, in the course of an antitrust investigation to determine whether there is, has been, or may be a violation of 15 U.S.C. § 2 by conduct, activities or proposed action of the following nature: the licensing of, and bundling of Microsoft Network with, Windows 95

You are required by this demand to produce all documentary material described in the attached schedule that is in your possession, custody or control, and to make it available at your address indicated above for inspection and copying or reproduction by a custodian named below. Such production shall occur on the 26th day of June, 19 95 at 10:00 a.m. p.m.

The production of documentary material in response to this demand must be made under a sworn certificate, in the form printed on the reverse side of this demand, by the person to whom this demand is directed or, if not a natural person, by a person or persons having knowledge of the facts and circumstances relating to such production.

For the purposes of this investigation, the following are designated as the custodian and deputy custodian(s) to whom the documentary material shall be made available: John F. Greaney, Custodian, and N. Scott Sacks, Deputy Custodian, 555 4th Street, N.W., Room 9901, Washington, D.C. 20001

Inquiries concerning compliance should be directed to Jon B. Jacobs, 202/514-2544

Your attention is directed to 18 U.S.C. §1505, printed in full on the reverse side of this demand, which makes obstruction of this investigation a criminal offense.

Issued at Washington, D.C., this 22nd day of June, 19 95.

Acting *Assistant Attorney General*

GOVERNMENT EXHIBIT 1260

FORM ATR-154
APR-93

SCHEDULE

I. REQUEST FOR DOCUMENTS

1. Documents sufficient to show your company's negotiations with Microsoft regarding your company's ability to produce a product that runs on Windows 95.

II. DEFINITIONS

1. **"Document"** means document as that term as used in the Federal Rules of Civil Procedure and should be understood to include the original (or a copy if you are electing not to make original documents available for inspection at your place of business), and any copies that differ in any way from the original (including any notations, underlining, or other markings), of any written, recorded or graphic material, whether prepared by you or by another person, that is in your possession, custody, or control. This includes memoranda, reports, records, letters, telegrams, electronic correspondence (such as electronic mail), notes, minutes, and transcripts of conferences, meetings and telephone or other communications; transparencies, view-graphs, foils, slides, handouts, and multimedia presentations; contracts and other agreements; statements, ledgers, invoices, purchase orders, bills of lading, and other records of financial matters or commercial transactions; notebooks, scrapbooks, and diaries; plans and specifications; publications; published and unpublished speeches or articles; photographs; diagrams, graphs, charts, sketches, and other drawings; photocopies, microfilm, and other copies or reproductions; audio and video recordings; tape, disk (including all forms of magnetic, magneto-optical, and optical disks), and other electronic recordings; financial models, statistical models, and other data compilations; and computer printouts. The term also includes information stored in, or accessible through, computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations.

2. **"Microsoft"** means Microsoft Corporation, each of its predecessors, successors, parents, divisions, subsidiaries, and affiliates, each other person directly or indirectly, wholly or in part, owned or controlled by it, and each partnership or joint venture to which any of them is a party.

3. **"Windows 95"** means the upgrade of Microsoft's Windows operating system that has been assumed as due to be released in August 1995.

4. **"You" or "your company"** means Netscape Communications, Inc.

III. INSTRUCTIONS

1. The documents and information requested by this Civil Investigative Demand are documents and information in your possession, control, or custody that were, unless otherwise specified or the context otherwise indicates, applicable, effective, prepared, written,

sent, dated, or received at any time between July 1, 1993 and the date of your compliance with this Schedule.

2. If any responsive document contains privileged material, produce the entire document with the privileged material redacted, noting where redactions in the document have been made.

3. For each document or portion thereof withheld under a claim of privilege, submit a sworn or certified statement from your counsel identifying the withheld document by author, addressee, date, number of pages, and subject matter, specifying the nature and basis of the claimed privilege and the paragraph of this Schedule to which the withheld material is responsive; and identifying each person to whom the withheld material was sent and each person to whom the withheld material or its contents, or any part thereof, was disclosed. Denote all attorneys identified with an asterisk.

4. If you have any questions concerning compliance with this Civil Investigative Demand, contact Jon B. Jacobs, 202/514-2544.