UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, PLAINTIFF, V. MICROSOFT CORPORATION, DEFENDANT.	C.A. NO. 98-1232
STATE OF NEW YORK, ET AL., PLAINTIFFS, V. MICROSOFT CORPORATION, DEFENDANT.	C.A. NO. 98-1223
MICROSOFT CORPORATION, COUNTERCLAIM-PLAINTIFF, V. DENNIS C. VACCO, ET AL., COUNTERCLAIM-DEFENDANTS.	JANUARY 13, 1999 WASHINGTON, D.C.

VOLUME 37-B

TRANSCRIBED DEPOSITION EXCERPTS

COURT REPORTER: DAVID A. KASDAN, RMR
MILLER REPORTING CO., INC.
507 C STREET, N.E.
WASHINGTON, D.C. 20003
(202) 546-6666

PENGAD-Bayonne, N. J.
GOVERNMENT EXHIBIT
1452

1 (DEPOSITION EXCERPTS OF ERIC BOZICH.)

2 Q. DID--DID MICROSOFT PROPOSE THAT US WEST

3 IN ANY WAY LIMIT ITS DISTRIBUTION OF OTHER

4 BROWSERS?

5 MR. FESSEL: OBJECTION. FORM.

6 THE WITNESS: NO, OUR--OUR DISCUSSION

7 WAS NOT REALLY AROUND--THE UNDERSTANDING BETWEEN

8 BOTH MICROSOFT AND NETSCAPE WITH USWEST.NET WAS

9 THAT IN THE IDEAL SETTING, OUR DESIRE WAS TO BE

10 ABLE TO OFFER THE CUSTOMERS THE CHOICE. AND WE

11 HAD SOME SPECIFIC GOALS AND OBJECTIVES AND SOME

12 TECHNICAL REQUIREMENTS AND WHATNOT, AND THOSE

13 WERE OUR FILTERS IN DOING THAT.

14 BUT IN OUR DISCUSSIONS WITH MICROSOFT,

15 THEY COMPLETELY UNDERSTOOD THAT WE INTENDED,

16 PLANNED, AND WOULD SHIP MULTIPLE BROWSERS. THAT

17 WAS NEVER REALLY A POINT OF DISCUSSION, THAT IN

18 ANY WAY OUR RELATIONSHIP WITH THEM WOULD PRECLUDE

19 US FROM SHIPPING NETSCAPE. IT JUST--WE DEALT

20 WITH IT UP FRONT, AND IT WAS NEVER REALLY A TOPIC

21 OF DISCUSSION.

22 Q. WHY DID US WEST WANT TO OFFER CUSTOMERS

23 A BROWSER CHOICE?

24 A. WELL, THERE ARE--THERE ARE A LOT OF

25 THINGS THAT GO INTO A CONSUMER OR

1 BUSINESSPERSON'S DECISION ABOUT WHAT INTERNET
2 SERVICE PROVIDER THEY'RE GOING TO USE, AND THERE
3 ARE CUSTOMERS THAT HAVE A PREFERENCE, A STRONG
4 PREFERENCE FOR ONE OVER THE OTHER. AND WE WOULD
5 PREFER TO HAVE--TO NOT HAVE THAT BE AN OBSTACLE
6 OR BARRIER IN ANY WAY TO SOMEONE SELECTING US AS
7 THEIR SERVICE PROVIDER.
8 (EXCERPT.)
9 Q. DO YOU HAVE AN ESTIMATE AS TO HOW LONG
10 IT WOULD TAKE A USER TO DOWNLOAD NETSCAPE
11 COMMUNICATOR?
12 MR. FESSEL: OBJECTION TO THE FORM.
13 THE WITNESS: OKAY. WELL, WE ACTUALLY
14 DID SOME STUDIES ON THAT. WE'VE LOOKED AT
15 DOWNLOADING THE BROWSER. DEPENDING ON EXACTLY
16 WHAT THE CONFIGURATION IS, IT'S IN THE ORDER OF
17 13 TO 15 MEGABYTES OF DATA IN A COMPRESSED SORT
18 OF, YOU KNOW, AS SMASHED DOWN AS YOU CAN GET IT
19 FORM.
20 AND THAT TAKES ON THE ORDER OF 45
21 MINUTES. THERE ARE A LOT OF VARIABLES INVOLVED.
22 IF YOU HAVE A 28-EIGHT-EIGHT MODEM, WHICH IS VERY
23 COMMON, YOU'RE LOOKING AT ABOUT A 45-MINUTE
24 DOWNLOAD AS OUR ESTIMATE. THE BEST-CASE SCENARIO
25 MIGHT BE, YOU KNOW, 25 MINUTES. WORST-CASE

1 SCENARIO COULD BE HOURS.

2 Q. IS THAT 45-MINUTE AVERAGE DOWNLOAD

3 BASED ON STUDIES FROM THE RESIDENTIAL MARKET

4 WHERE PEOPLE MIGHT HAVE COPPER WIRE?

5 A. IT'S JUST OUR ADVANCED TECHNOLOGIES LAB

6 BUILT SOME CD'S, YOU KNOW. THEY BUILT SOME OF

7 THE CONFIGURATIONS THAT WE WOULD SHIP ON THE CD,

8 AND THEY PUT IT ON THE SERVER, AND THEY

9 DOWNLOADED IT. IT WASN'T VERY SCIENTIFIC. WE

10 JUST DID IT AND TRIED IT, AND WE KIND OF SET

11 THE--WE FIGURED THE MEDIAN WOULD BE ABOUT 45

12 MINUTES, AND THAT'S A LOT. A LOT CAN HAPPEN IN

13 45 MINUTES.

14 Q. DO YOU KNOW WHAT SORT OF LINES THE

15 ADVANCED TECHNOLOGY LAB USED IN DOWNLOADING IT?

16 A. THEY WERE REALLY ATTEMPTING TO SIMULATE

17 KIND OF A BASIC CUSTOMER ENVIRONMENT WHERE IT

18 WOULD BE A (SIC) ANALOG PHONE LINE AND

19 28-EIGHT-EIGHT MODEM AND A 486 PC OR MAYBE, LIKE,

20 A 75 MEGAHERTZ OR HUNDRED MEGAHERTZ PENTIUM AND

21 JUST STARTED DOWNLOADING SOME FILES, AND IT

22 WAS--TOOK A LONG TIME.

23 Q. DO YOU HAVE ANY ESTIMATE AS TO WHETHER

24 DOWNLOADS OF BROWSERS ARE ALWAYS SUCCESSFUL?

25 MR. FESSEL: OBJECTION TO THE FORM.

1 THE WITNESS: I REALLY DON'T HAVE
2 ANY--ANY STATISTICS OR STUDIES TO DRAW ON. BUT
3 JUST FROM OUR EXPERIENCE IN SOME OF THE TESTING
4 THAT WE'VE DONE, IT'S NOT COMMON FOR A DOWNLOAD
5 OF THAT SIZE TO BE SUCCESSFUL THE FIRST TIME. I
6 WOULD SAY IN THE MAJORITY OF USERS OR THE
7 MAJORITY OF OUR ATTEMPTS IN SORT OF OUR LITTLE,
8 YOU KNOW, UNIVERSE, SOMETHING GOES WRONG.
9 SOMETHING HAPPENS, AND YOU HAVE TO START OVER.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25