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.

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TRANSCRIBED DEPOSITION EXCERPTS

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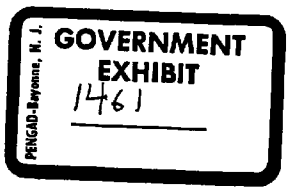

1 (DEPOSITION EXCERPTS OF SCOTT VESEY.)

2 Q. DO YOU UNDERSTAND THAT MICROSOFT IS

3 TAKING YOUR DEPOSITION TODAY BECAUSE THE

4 DEPARTMENT OF JUSTICE LISTED YOU AS ONE OF ITS 12

5 WITNESSES IN THE UPCOMING CASE OF THE DEPARTMENT

6 OF JUSTICE AND VARIOUS STATES AGAINST THE UNITED

7 STATES?

8 A. YES.

9 Q. I'M SORRY. AGAINST MICROSOFT.

10 A. RIGHT.

11 Q. WHEN DID YOU FIRST LEARN, YOURSELF,

12 THAT THE DEPARTMENT OF JUSTICE WAS LISTING YOU AS

13 A WITNESS?

14 A. IN THE NEWSPAPER. SO--FRONT PAGE OF

15 THE NEWSPAPER, WHAT, THREE WEEKS AGO?

16 Q. OKAY.

17 A. SATURDAY MORNING.

18 Q. ON THE DAY THAT THE WITNESS LISTS WERE

19 PUBLISHED IN THE PAPER ON A SATURDAY, DID YOU

20 SAY?

21 A. YEAH.

22 (EXCERPT.)

23 Q. OKAY. AND WHAT--WHO WAS THE PUBLISHER

24 OR DEVELOPER OF THE SOFTWARE THAT BOEING USED

25 INITIALLY?

1 A. THE INITIAL BROWSER THAT BOEING USED
2 WAS NCSA MOSAIC.
3 Q. AND DID BOEING CONTINUE USING A VERSION
4 OF MOSAIC UNTIL IT ADOPTED NETSCAPE NAVIGATOR?
5 A. YES.
6 Q. AND WHAT IS YOUR CURRENT POSITION AT
7 BOEING?
8 A. MY CURRENT POSITION IS I AM THE WINDOWS
9 WEB BROWSER PRODUCT MANAGER.
10 Q. WHEN DID YOU TAKE THAT POSITION?
11 A. I TOOK THAT POSITION IN AUGUST OF 1996.
12 (EXCERPT.)
13 Q. OKAY. I TAKE IT THAT BOEING IS A
14 MULTI-PLATFORM COMPANY AND THAT IT SUPPORTS
15 COMPUTERS THAT OPERATE WITH A NUMBER OF DIFFERENT
16 OPERATING SYSTEMS?
17 A. YES, WE DO.
18 (EXCERPT.)
19 Q. OKAY. AND IS IT CORRECT THAT THERE ARE
20 SOMEWHERE--AGAIN, REALIZING THIS IS AN
21 ESTIMATE--BUT SOMEWHERE IN THE NATURE OF ABOUT
22 240,000 DESKTOP COMPUTERS AT BOEING?
23 A. YES, THAT WOULD BE THE TOTAL NUMBER OF
24 DESKTOP WORK STATIONS.
25 Q. OKAY. AND OF THOSE THERE ARE ABOUT

1 170,000 THAT ARE PC'S; IS THAT RIGHT?

2 A. YES.

3 Q. AND ABOUT 41,000 THAT ARE UNIX WORK

4 STATIONS?

5 A. YES.

6 Q. AND ABOUT 38,000 THAT ARE TERMINAL

7 DEVICES; IS THAT RIGHT?

8 A. YES.

9 Q. OKAY. AND OF THE 170,000 PC'S, ARE THE

10 MAJORITY OF THOSE--DO THEY RUN WITH THE MICROSOFT

11 WINDOWS 95 OPERATING SYSTEM?

12 A. YES, THE MAJORITY WOULD BE WINDOWS 95

13 WORK STATIONS.

14 Q. OKAY. WHAT OTHER OPERATING SYSTEMS

15 WOULD BE INCLUDED AMONG THAT 170,000?

16 A. THERE WOULD BE A FEW INSTANCES OF

17 WINDOWS FOR WORK GROUPS, WINDOWS--SO WINDOWS 3.1.

18 AND THERE WOULD BE SOME INSTANCES OF NT 3.51,

19 SOME INSTANCES OF NT 4.0.

20 Q. OKAY. IN ADDITION, DOES THE COMPANY

21 HAVE SOME PC'S THAT ARE APPLE MACINTOSH PC'S?

22 A. YES, YEAH. THE APPLE MACINTOSH

23 COMPUTERS WOULD BE INCLUDED IN THAT WORK STATION

24 COUNT. THE NUMBERS ARE PROBABLY FAIRLY LOW.

25 Q. PRIOR TO THE TIME THAT BOEING MERGED

1 WITH MCDONNELL DOUGLAS, WOULD YOU ESTIMATE THERE
2 WERE SOMEWHERE IN THE NEIGHBORHOOD OF 2500
3 MACINTOSH MACHINES?
4 A. THAT WAS THE ESTIMATE THAT WE GOT, YES.
5 (EXCERPT.)
6 Q. DO YOU HAVE AN UNDERSTANDING AS TO WHY
7 THE COMPANY DECIDED TO STANDARDIZE ON NETSCAPE
8 2.02?
9 A. YES, I DO.
10 Q. AND WHAT'S YOUR UNDERSTANDING OF THE
11 REASON FOR THAT?
12 A. MY UNDERSTANDING OF THE REASON FOR
13 STANDARDIZING ON NETSCAPE 2.02 HAD TO DO WITH
14 PROBLEMS THAT WE WERE HAVING WITH THE NCSA MOSAIC
15 BROWSER ON THE WINDOWS DESKTOP. IT REQUIRED SOME
16 CHANGES IN OUR NETWORK PROTOCOL STACK THAT
17 REQUIRED THE INSTALLATION OF WIN 3.2S.
18 AND THEN THERE WERE ALSO CONSIDERATIONS
19 GIVEN TO THE FACT THAT THE NETSCAPE BROWSER WAS A
20 PRODUCT THAT WE COULD RUN ACROSS ALL OF THE
21 PLATFORMS THAT WE HAD CURRENTLY INSTALLED IN THE
22 BOEING COMPANY BOTH WINDOWS, MACINTOSH AND UNIX
23 WORK STATIONS USING A COMMON SOFTWARE PRODUCT
24 WITH COMMON USER INTERFACE.
25 Q. IT IS TRUE, MR. VESEY, THAT THE ABILITY

1 OF A SINGLE BROWSER TECHNOLOGY TO WORK ACROSS ALL
2 PLATFORMS YOU HAVE AT BOEING HAS BEEN THE MOST
3 SIGNIFICANT FACTOR DRIVING THE ADOPTION OF ANY
4 PARTICULAR BROWSER SOFTWARE AT THE COMPANY?
5 A. I'D SAY IT'S BEEN A VERY SIGNIFICANT
6 FACTOR IN THE ADOPTION OF BROWSER TECHNOLOGY. I
7 MEAN, THE WAY THAT WE STATE IT OR THE WAY THAT
8 THE WEB TEAM STATES THAT THAT IS THAT WE BELIEVE
9 THAT THE SINGLE DEFINING QUALITY OF THE WEB IS TO
10 BE ABLE TO PUT AN ELECTRONIC DOCUMENT IN ONE
11 PLACE AND HAVE IT BE ACCESSIBLE BY VIRTUALLY
12 ANYBODY IRRESPECTIVE OF PLATFORM.
13 Q. OKAY. AND THAT'S THE VALUE OF THE WEB
14 TO THE BOEING COMPANY; CORRECT?
15 A. YES. THAT'S WHAT WE BELIEVE.
16 Q. AND YOU WOULD AGREE, WOULD YOU NOT,
17 THAT THERE MIGHT BE DIFFERENT VALUES OR DIFFERENT
18 ADVANTAGES OR USES OF WEB TECHNOLOGY FOR OTHER
19 COMPANIES IN OTHER SITUATIONS; RIGHT?
20 A. YES.
21 MR. MALONE: OBJECTION. FOUNDATION.
22 BY MR. BURT:
23 Q. WELL, BASED ON YOUR KNOWLEDGE OF THOSE
24 TECHNOLOGIES AND THE CONSIDERATIONS THAT YOU
25 BALANCE IN EVALUATING THOSE TECHNOLOGIES FOR

1 BOEING, WOULD YOU AGREE THAT OTHER COMPANIES IN
2 OTHER SITUATIONS WITH OTHER PLATFORMS AND SO
3 FORTH MIGHT BALANCE THOSE CONSIDERATIONS IN A
4 DIFFERENT WAY?
5 MR. MALONE: SAME OBJECTION.
6 MR. BURT: YOU CAN ANSWER.
7 THE WITNESS: I ANSWER THE QUESTION.
8 SO THE OBJECTION IS JUST NOTED?
9 BY MR. BURT:
10 Q. THAT'S CORRECT.
11 A. OKAY. YES I CAN SEE THAT OTHER
12 COMPANIES COULD USE DIFFERENT CRITERIA TO
13 EVALUATE THE WEB BROWSER AND COME TO A DIFFERENT
14 CONCLUSION.
15 (EXCERPT.)
16 Q. OKAY. DOES THE ADOPTION OF A SOFTWARE
17 PACKAGE AS A STANDARD AT BOEING MEAN THAT BOEING
18 EMPLOYEES ARE PROHIBITED FROM USING ANY OTHER
19 COMPETING SOFTWARE?
20 A. NO. THERE'S NO SPECIFIC PROHIBITION
21 AGAINST INSTALLING NONSTANDARD SOFTWARE. THERE
22 IS, HOWEVER, A COMPANY POLICY THAT DICTATES THAT
23 SOFTWARE THAT'S INSTALLED ON BOEING ON THE
24 COMPUTERS MUST BE PROCURED THROUGH PROPER
25 MATERIAL CHANNELS. IN OTHER WORDS, IT NEEDS TO

1 BE PURCHASED THROUGH PROPER PURCHASING PROCEDURE.
2 Q. AND THAT, IN PART, IS TO INSURE THAT
3 THE SOFTWARE THAT'S IN OPERATION AT BOEING IS
4 PROPERLY LICENSED SOFTWARE?
5 A. PROPERLY LICENSED.
6 AND THAT CONSTRAINT ALSO--MATERIAL, IF
7 THEY GET A REQUEST FOR A PIECE OF SOFTWARE THAT'S
8 NOT STANDARD, THEY, IN SOME CASES, WOULD CONTACT
9 THE PRODUCT MANAGER FOR THAT CATEGORY AND ASK
10 THEM TO SAY--OR ASK THEM TO DETERMINE WHETHER OR
11 NOT THAT PACKAGE MIGHT POSE SOME SORT OF RISK TO
12 BOEING IN GENERAL.
13 Q. AT BOEING, ARE THERE SOME USERS AT
14 BOEING WHO ARE UTILIZING MICROSOFT INTERNET
15 EXPLORER TECHNOLOGY?
16 A. THERE ARE SOME INSTALLATIONS, YES.
17 Q. WOULD YOU ESTIMATE THAT, AS OF THE END
18 OF 1997, THAT THERE WERE SOMEWHERE IN THE RANGE
19 OF THREE TO 5,000?
20 A. I THINK THAT--YEAH. WE COUNT--WE DID A
21 BROWSER COUNT AT ABOUT THE END OF '97. I BELIEVE
22 THAT WE WERE COUNTING APPROXIMATELY THREE PERCENT
23 OF THE BROWSERS WERE SHOWING UP AS INTERNET
24 EXPLORER DERIVATIVES, EITHER 3.0 OR 4.0.
25 THAT WOULD PUT THAT NUMBER--BASED ON

1 OUR ESTIMATES AT THAT TIME, WE THOUGHT THAT WE
2 HAD ABOUT 100,000 BROWSER INSTALLATIONS ON
3 CLIENTS. THAT WOULD PUT THE VALUE AT SOMEWHERE
4 AROUND THREE THOUSAND--BETWEEN 3,000 AND 5,000.
5 (EXCERPT.)
6 Q. OKAY. AND TO BE CLEAR, THE FIRST BLOCK
7 OF NUMBERS THAT LIST PC (PRIMARILY WINDOWS 95)
8 170,000; WORK STATIONS (UNIX VARIANTS) 41,000;
9 AND XTERM/TERMINAL DEVICES 38,000--THOSE ARE THE
10 TOTAL NUMBER OF WORK STATIONS IN EACH OF THOSE
11 CATEGORIES AT ALL OF THE BOEING COMPANY AS IT
12 EXISTS TODAY; CORRECT?
13 A. TO THE BEST OF OUR KNOWLEDGE, YES.
14 Q. OKAY. AND AS YOU TESTIFIED ABOUT
15 EARLIER, INCLUDED WITHIN THE PC CATEGORY ARE
16 OTHER MICROSOFT OPERATING SYSTEMS AS WELL AS
17 APPLE MACINTOSH SYSTEMS; IS THAT RIGHT?
18 A. YES.
19 Q. OKAY. AND INCLUDED--I DIDN'T ASK YOU
20 THIS EARLIER, BUT INCLUDED WITHIN THE UNIX
21 VARIANTS COUNT OF 41,000, HOW MANY DIFFERENT
22 VERSIONS AND TYPES OF UNIX ARE IN OPERATION AT
23 BOEING?
24 A. THERE WOULD BE FOUR PRIMARY VARIANTS OF
25 UNIX IN USE--AIX; SUN/SOLARIS; HP-UX; AND, I

1 BELIEVE, SGI. SGI UNIX.

2 BEYOND THAT, THERE WOULD BE--WELL,

3 WITHIN BOEING, BECAUSE IT'S SUCH A LARGE

4 CORPORATION, THERE WOULD BE ALMOST ANY POSSIBLE,

5 YOU KNOW, COMBINATION OF HARDWARE/SOFTWARE THAT

6 YOU COULD IMAGINE.

7 SO, YOU KNOW, THOSE ARE THE FOUR

8 PRIMARY VARIANTS. THERE ARE INSTANCES OF ALMOST

9 ANY OTHER TYPE OF UNIX IMAGINABLE.

10 (EXCERPT.)

11 Q. NOW, THE VERSION OF WINDOWS 95 THAT

12 BOEING USES WHEN IT BUILDS ITS IMAGE IS THE

13 ORIGINAL SO-CALLED GOLD WINDOWS 95 RETAIL CODE;

14 CORRECT?

15 A. YES, I BELIEVE SO.

16 Q. AND THAT WAS CODE THAT NEVER HAD ANY

17 INTERNET EXPLORER COMPONENTS INCLUDED IN IT AT

18 ALL; CORRECT?

19 A. I DON'T BELIEVE SO.

20 (EXCERPT.)

21 Q. OKAY. CHANGE SUBJECTS A LITTLE BIT,

22 MR. VESEY.

23 NOW, YOU TESTIFIED EARLIER YOU'RE NOT

24 PERSONALLY INVOLVED IN THE DECISION TO DECLARE

25 NETSCAPE NAVIGATOR 2.02 AS STANDARD AT BOEING;

1 CORRECT?

2 A. RIGHT.

3 (EXCERPT.)

4 Q. ALL RIGHT. NOW, THE CURRENT

5 RECOMMENDATION--YOUR CURRENT RECOMMENDATION AT

6 BOEING IS TO STANDARDIZE ON NETSCAPE'S 4.05

7 TECHNOLOGY; IS THAT RIGHT?

8 A. YES.

9 Q. AND IN CONSIDERING THAT RECOMMENDATION,

10 YOU ALSO EVALUATED MICROSOFT INTERNET EXPLORER 4

11 TECHNOLOGY?

12 A. YES, I DID.

13 Q. AND YOU'VE LOOKED AT THE VERSION KNOWN

14 AS INTERNET EXPLORER VERSION 4.01?

15 A. YES, I HAVE.

16 Q. IF YOU WERE STARTING AT BOEING WITH A

17 CLEAN SLATE IN WHICH THERE HAD BEEN NO PRIOR

18 ADOPTION OR STANDARDIZATION OF INTERNET-BROWSING

19 TECHNOLOGIES BUT YOU STILL HAD A MIX OF UNIX AND

20 WINDOWS WORK STATIONS, YOU WOULD STILL, DO YOU

21 BELIEVE, RECOMMEND THE ADOPTION OF NETSCAPE 4.05

22 AS THE STANDARD?

23 A. YES, I WOULD.

24 (EXCERPT.)

25 Q. OKAY. IF YOU WERE, AGAIN, STARTING

1 WITH A CLEAN SLATE BUT BOEING HAD DECIDED TO
2 ADOPT AND HAD ADOPTED ALL WINDOWS--MICROSOFT
3 WINDOWS OPERATING SYSTEM WORK STATIONS, WOULD YOU
4 CONSIDERING (SIC) RECOMMENDING THE ADOPTION OF
5 INTERNET EXPLORER TECHNOLOGIES AS A STANDARD?
6 A. IT WOULD BE A MUCH STRONGER
7 CONSIDERATION. IT WOULD REMOVE ONE OF THE KEY
8 REASONS FOR NOT STANDARDIZING ON INTERNET
9 EXPLORER 4. THERE WOULD STILL BE OTHER
10 CONSIDERATIONS THAT WOULD HAVE TO BE EVALUATED.
11 Q. OKAY. AND I TAKE IT THAT YOU HAVEN'T
12 DONE THAT EVALUATION TO THE POINT THAT YOU HAVE
13 AN OPINION RIGHT NOW AS TO WHETHER YOU WOULD
14 RECOMMEND INTERNET EXPLORER OR NOT; IS THAT
15 RIGHT?
16 A. IN A CLEAN-SLATE ENVIRONMENT, NO, I
17 HAVEN'T SPECIFICALLY DONE THAT.
18 (EXCERPT.)
19 Q. YOU DON'T HAVE ANY UNDERSTANDING AS TO
20 WHETHER YOUR EVALUATION OF THE INTERNET EXPLORER
21 TECHNOLOGIES WAS A KEY CONSIDERATION IN DECIDING
22 WHETHER OR NOT TO ADOPT WINDOWS 98?
23 A. NO, I DON'T.
24 (EXCERPT.)
25 Q. OKAY. AND GIVEN THAT PACE OF CHANGE

1 AND THE PACE OF DEVELOPMENT OF WEB TECHNOLOGIES
2 GENERALLY, I TAKE IT THAT IT'S YOUR VIEW THAT ANY
3 RECOMMENDATION AS TO WHAT TECHNOLOGIES TO ADOPT
4 EVEN JUST 12 MONTHS FROM NOW WILL HAVE TO BE
5 REVISITED PROBABLY MANY TIMES BETWEEN NOW AND 12
6 MONTHS FROM NOW; IS THAT RIGHT?
7 A. THEY VERY LIKELY WILL NEED TO BE
8 REVISITED, YES.
9 (EXCERPT.)
10 Q. OKAY. HAVE YOU REVIEWED--I THINK I'VE
11 ASKED YOU THIS EARLIER, AND I APOLOGIZE IF I'M
12 REPEATING MYSELF, BUT I TAKE IT THAT YOU HAVE
13 REVIEWED THE INTERNET EXPLORER TECHNOLOGIES AS
14 INTEGRATED IN WINDOWS 98; CORRECT?
15 A. YES, I HAVE.
16 Q. AND DO YOU BELIEVE THAT THE INTEGRATION
17 OF THOSE TECHNOLOGIES INTO THE OPERATING SYSTEM
18 PROVIDES END USERS WITH BENEFITS?
19 A. YEAH. THERE ARE SOME BENEFITS TO THAT
20 INTEGRATION CAPABILITY.
21 (EXCERPT.)
22 Q. AND YOU SAY THAT THE REASONS--THE MAIN
23 REASONS FOR MOVING TO INTERNET EXPLORER 5.0 IN
24 THE SECOND OR THIRD QUARTER OF 1999 ARE--AND THEN
25 YOU LIST A NUMBER OF REASONS THAT GO OVER THE

1 NEXT SEVERAL PAGES; CORRECT?
2 A. YES.
3 Q. OKAY. AND THE FIRST ONE IS YOU SAY,
4 "WE DON'T HAVE A CHOICE," AND YOU EXPLAIN WHY YOU
5 THINK YOU DON'T HAVE A CHOICE; IS THAT RIGHT?
6 A. YES.
7 Q. OKAY. BUT ONE CHOICE THAT BOEING HAD
8 WOULD BE TO CONTINUE WITH WINDOWS 95; IS THAT
9 CORRECT?
10 A. IN THE SHORT TERM, YES. WE WOULD
11 CONTINUE TO DEPLOY AND, INDEED, WE MAY, INDEED,
12 ACTUALLY CONTINUE TO DEPLOY WINDOWS 95.
13 BUT IN THE LONG TERM, WE ARE EVENTUALLY
14 GOING TO HAVE TO MOVE FORWARD IN A NEW OPERATING
15 SYSTEM VERSION AS HARDWARE IS NOT SUPPORTED BY
16 WINDOWS 95.
17 Q. OKAY. SO, AS THE OPERATING SYSTEM
18 EVOLVES TO SUPPORT NEW HARDWARE ADVANCES, BOEING
19 MAY WANT TO GET THE ADVANTAGE OF THAT NEW
20 HARDWARE; IS THAT RIGHT?
21 A. YES.
22 Q. OKAY. I TAKE IT AS OPERATING SYSTEMS
23 EVOLVE TO INCORPORATE NEW SOFTWARE ADVANCES,
24 BOEING MIGHT ALSO WANT TO GET THE ADVANTAGES OF
25 THOSE NEW SOFTWARE ADVANCES; IS THAT RIGHT?

1 A. YES.

2 Q. SO, WHEN YOU SAY YOU DON'T HAVE A

3 CHOICE HERE, IS WHAT YOU MEAN THAT IF YOU ADOPT

4 EITHER WINDOWS 98 OR WINDOWS NT 5.0, IT'S YOUR

5 UNDERSTANDING THAT THE INTERNET EXPLORER

6 TECHNOLOGIES ARE GOING TO BE INTEGRATED INTO

7 THOSE TECHNOLOGIES?

8 A. YES, THAT IS MY UNDERSTANDING.

9 Q. AND THAT THEY WOULD BE INTEGRATED IN A

10 WAY THAT CAN'T BE, AS YOU SAY HERE, FULLY

11 DISABLED; IS THAT CORRECT?

12 A. THAT'S MY UNDERSTANDING.

13 Q. AND THEN YOU SET FORTH AN ANALOGY. YOU

14 SAY, "FROM MICROSOFT'S PERSPECTIVE, ASKING THEM

15 TO REMOVE INTERNET EXPLORER FROM THE DESKTOP AND

16 ALLOW AN ALTERNATIVE MANUFACTURER'S BROWSER TO

17 PROVIDE THE EQUIVALENT FUNCTIONALITY WOULD BE

18 ANALOGOUS TO ONE OF OUR AIRLINE CUSTOMERS SAYING,

19 'WE LIKE THE BOEING AIRPLANE'S WINGS, FUSELAGE,

20 CONTROL SYSTEMS, AND INFRASTRUCTURE, BUT WE WANT

21 TO USE AN AIR BUS COCKPIT TO CONTROL THE

22 AIRPLANE.'"

23 IS THAT WHAT YOU WROTE?

24 A. THAT'S WHAT I WROTE.

25 Q. OKAY. AND WAS THAT YOUR VIEW OF AN

1 APPROPRIATE ANALOGY AT THE TIME YOU WROTE THE
2 MEMO?
3 A. THE--THAT ANALOGY WAS A RESPONSE TO
4 SOME COMMENT THAT HAD BEEN PASSED TO ME THAT
5 WASN'T AN ACCURATE ANALOGY REGARDING INTERNET
6 EXPLORER AND ITS INTEGRATION. THIS, I FELT,
7 WOULD BE A RESPONSE TO THAT SPECIFIC ANALOGY.
8 SO--
9 Q. OKAY. IN A WAY THAT YOU THOUGHT
10 WOULD--
11 A. I THOUGHT WAS MORE MEANINGFUL TO THE
12 PEOPLE WHO WERE, YOU KNOW, LOOKING AT THIS
13 INFORMATION AT THAT TIME.
14 Q. OKAY. LET ME BACKTRACK FOR A MOMENT.
15 YOU SAID YOU MADE YOUR RECOMMENDATION
16 ABOUT THE ADOPTION OF THE INTEGRATED TECHNOLOGIES
17 WHEN THE COMPANY MIGRATED TO A NEW GENERATION
18 OPERATING SYSTEM.
19 WHEN YOU MADE THAT RECOMMENDATION, DID
20 YOU EVER HEAR WHETHER THAT RECOMMENDATION HAD
21 BEEN ADOPTED OR APPROVED OF BY SENIOR MANAGEMENT?
22 A. AT THIS TIME IT APPEARS THAT SENIOR
23 MANAGEMENT HAS DETERMINED THAT THAT
24 RECOMMENDATION WAS NOT ACCEPTED.
25 Q. OKAY. AND WERE YOU--WHEN YOU--DID

1 YOU--DID THERE COME A POINT IN TIME WHEN YOU
2 HEARD FROM SENIOR MANAGEMENT THAT THEY HAD NOT
3 ACCEPTED YOUR RECOMMENDATION IN THAT REGARD?
4 A. YEAH. VERBALLY, I'VE HEARD THAT, YES.
5 Q. AND WERE YOU ASKED FOR SOME ADDITIONAL
6 INFORMATION SUPPORTING YOUR RECOMMENDATION?
7 A. THAT WAS THIS DOCUMENT.
8 Q. SO, THE DOCUMENT WE'RE LOOKING AT,
9 EXHIBIT 6, IS ADDITIONAL INFORMATION YOU PROVIDED
10 TO MANAGEMENT SUPPORTING YOUR ANALYSIS AND YOUR
11 RECOMMENDATION AFTER YOU HEARD VERBALLY THAT YOUR
12 INITIAL RECOMMENDATION HAD NOT BEEN ADOPTED?
13 A. THAT WAS THE INTENTION OF THIS
14 DOCUMENT.
15 Q. OKAY. HAVE YOU HEARD ANYTHING MORE
16 FROM MANAGEMENT SINCE THE TIME YOU PROVIDED THIS
17 DOCUMENT ABOUT THE 18-MONTH TACTICAL PLAN
18 RECOMMENDATION?
19 A. NO, I DID NOT.
20 Q. SO, YOU DON'T KNOW WHETHER THE
21 RECOMMENDATION HAS BEEN REVISITED, ONE WAY OR THE
22 OTHER?
23 A. I HAVE NOT HEARD ANYTHING.
24 (EXCERPT.)
25 Q. YOU HAVEN'T HAD ANY PROBLEMS WITH

1 AVAILABILITY OF NETSCAPE 4.05 TO BOEING?
2 A. NO, I HAVEN'T.
3 (EXCERPT.)
4 Q. NOW, AS I UNDERSTAND WHAT YOU'VE
5 TESTIFIED TO SO FAR, AN IMPORTANT PART OF YOUR
6 JOB IS COMPARING AND EVALUATING DIFFERENT WEB
7 BROWSERS FOR BOEING'S USE; IS THAT FAIR?
8 A. YES, IT IS.
9 Q. IS HAVING A CHOICE OF DIFFERENT WEB
10 BROWSERS FROM DIFFERENT PROVIDERS SOMETHING
11 THAT'S IMPORTANT TO BOEING?
12 A. YES, I THINK IT IS. BEING ABLE TO
13 CHOOSE THE PRODUCT THAT WE'RE USING, I THINK, IS
14 IMPORTANT TO BOEING, YES.
15 Q. WHEN YOU EVALUATED NAVIGATOR 3 AND
16 IE 3, NAVIGATOR 4 AND INTERNET EXPLORER 4, DO YOU
17 CONSIDER THOSE WEB BROWSERS TO BE PRODUCTS
18 SEPARATE FROM OPERATING SYSTEM PRODUCTS?
19 MR. BURT: SAME OBJECTION, AND
20 COMPOUND.
21 THE WITNESS: YES, I BELIEVE THEM TO BE
22 SEPARATE PRODUCTS. FROM MY PERSPECTIVE, THEY ARE
23 SOFTWARE APPLICATIONS.
24 BY MR. MALONE:
25 Q. AND WHY DO YOU SAY THAT? WHAT LEADS

1 YOU TO THAT CONCLUSION?

2 A. FROM--AGAIN, FROM MY PERSPECTIVE, I

3 WOULD VIEW THEM AS SOFTWARE APPLICATIONS BECAUSE

4 THEY ARE TOOLS THAT ARE USED TO INTERPRET DATA

5 RATHER THAN WHAT I WOULD NORMALLY VIEW AS THE

6 OPERATING SYSTEM, WHICH IS THE COMPONENTS OF

7 SOFTWARE THAT ARE USED TO DIRECTLY MANIPULATE THE

8 HARDWARE THAT FORMS THAT PC. THE APPLICATIONS

9 ARE USED TO INTERPRET OR PARSE DATA.

10 Q. OKAY. LET ME BACK UP ONE STEP AND JUST

11 HAVE YOU EXPLAIN.

12 WHY IS IT TO YOU AT BOEING HAVING A

13 CHOICE AMONG DIFFERENT BROWSERS WHEN YOU MAKE

14 THESE EVALUATIONS AND DECISIONS IS IMPORTANT?

15 A. WELL, FROM THE PERSPECTIVE OF MY WORK

16 AT BOEING, I BELIEVE THAT THAT'S IMPORTANT

17 BECAUSE WE WANT TO--WE WANT TO DEPLOY TECHNOLOGY

18 THAT ALLOWS US TO PRODUCE AIRPLANES. THAT'S OUR

19 BUSINESS.

20 AND SO, IN DETERMINING WHAT SOFTWARE

21 WE'RE GOING TO USE, WE NEED TO MEASURE THAT

22 AGAINST HOW WE'RE GOING TO USE IT TO BUILD

23 AIRPLANES, ESSENTIALLY, ULTIMATELY.

24 AND SO THE REQUIREMENTS THAT ARE

25 GENERATED BY OUR BUSINESS OF BUILDING AIRPLANES

1 SHOULD DETERMINE WHAT PRODUCTS AND TECHNOLOGIES
2 OF SOFTWARE WE'RE GOING TO DEPLOY.
3 Q. AND IS THAT SORT OF GENERAL EXPLANATION
4 TRUE FOR YOUR WANTING A CHOICE BETWEEN DIFFERENT
5 WEB BROWSERS?
6 A. YES. I'D APPLY THAT TO WEB BROWSERS,
7 YES.
8 Q. AND, IN THE FUTURE FROM HERE FORWARD,
9 WILL BOEING CONTINUE TO WANT A CHOICE OF WEB
10 BROWSERS?
11 A. I WOULD EXPECT THAT WE'D CONTINUE TO
12 WANT TO BE ABLE TO CHOOSE THE TECHNOLOGIES THAT
13 WE USE, YES. SO THE WEB BROWSER, YEAH.
14 (EXCERPT.)
15 Q. HAS THE COMPETITION THAT YOU'VE
16 OBSERVED BETWEEN NETSCAPE AND MICROSOFT IN
17 BROWSERS BENEFITED BOEING?
18 A. I WOULD SAY THAT THAT COMPETITION
19 PROBABLY WOULD BENEFIT BOEING.
20 Q. OKAY. IN WHAT WAYS DO YOU BELIEVE
21 THAT?
22 A. I WOULD PROBABLY SAY THAT THAT
23 COMPETITION BENEFITS BOEING IN THAT IT FORCES
24 BOTH VENDORS TO BE MINDFUL OF STANDARDS
25 ORGANIZATIONS AND HOPEFULLY PROVIDING SUPPORT FOR

1 WELL-DOCUMENTED, PUBLICLY DOCUMENTED STANDARD
2 TECHNOLOGIES WITHOUT--YEAH.
3 (EXCERPT.)
4 Q. AND I BELIEVE THERE WAS A QUESTION
5 ABOUT WHETHER THE EXISTENCE OF THOSE TWO VERSIONS
6 OF NAVIGATOR CREATED CONFUSION OR EXTRA SUPPORT.
7 DO YOU RECALL THAT?
8 A. UMM-HMM, YES.
9 Q. AND YOU DESCRIBED ANY ADDITIONAL
10 SUPPORT OR CONFUSION AS NEGLIGIBLE; I BELIEVE?
11 A. YES, I WOULD DESCRIBE IT AS BEING
12 NEGLIGIBLE. THE USER INTERPHASES (SIC) BETWEEN
13 THE TWO PRODUCTS ARE FAIRLY CONSISTENT. THERE
14 ARE FAIRLY MINOR DIFFERENCES, AND MOST OF THE
15 DIFFERENCES WOULDN'T--WOULD HAVE FAIRLY LOW
16 LEVELS OF IMPACT ON THE END USER, SO--
17 Q. ARE THE DIFFERENCES BETWEEN--OR I'M
18 SORRY.
19 ARE THE NEGLIGIBLE CONFUSION AND
20 NEGLIGIBLE SUPPORT COSTS OF HAVING TWO DIFFERENT
21 VERSIONS OF NAVIGATOR DIFFERENT FROM ANY USER
22 CONFUSION AND SUPPORT COSTS THAT WOULD ARISE FROM
23 HAVING BOTH NETSCAPE NAVIGATOR AND INTERNET
24 EXPLORER DEPLOYED WITHIN BOEING?
25 A. YEAH. I BELIEVE THE COSTS AND SUPPORT

1 DIFFICULTIES WOULD BE DIFFERENT, YES.

2 Q. OKAY. IN THE CASE OF HAVING--IF YOU

3 HAD BOTH NAVIGATOR AND INTERNET EXPLORER

4 DEPLOYED, WOULD THOSE COSTS BE HIGHER?

5 A. I BELIEVE THEY'D BE HIGHER.

6 Q. OKAY. AND WHY IS THAT? CAN YOU

7 EXPLAIN THAT A BIT.

8 A. I WOULD SUGGEST THAT THEY'D BE HIGHER

9 DUE TO A COUPLE OF THINGS. PROBABLY FIRST AND

10 FOREMOST WOULD BE THAT THE POTENTIAL FOR A WEB

11 APPLICATION DEVELOPER TO DEVELOP AN APPLICATION

12 THAT DEPENDED SPECIFICALLY ON A PARTICULAR SITE,

13 FROM THE END USER PERSPECTIVE THAT WOULD POSSIBLY

14 BE THE BIGGEST IMPACT.

15 THEY WOULD HAVE TO KNOW, OH, WHEN I'M

16 ASSESSING THIS PARTICULAR WEB SITE, I HAVE TO USE

17 THIS PARTICULAR BROWSER. AND THEN IF THEY TRIED

18 TO GO TO THAT SITE WITH AN ALTERNATIVE BROWSER,

19 THEY WOULDN'T BE ABLE TO RENDER WHATEVER CONTENT

20 WAS AVAILABLE THERE.

21 THE OTHER REASON, THE OTHER ESSENTIAL

22 REASON, WOULD HAVE TO DO WITH, YOU KNOW,

23 ESSENTIALLY THE LOCAL USE OF THE SOFTWARE.

24 ON THE WINDOWS 95 DESKTOP THERE IS A

25 DEFAULT BROWSER SETTING. AND THE DEFAULT BROWSER

1 BEHAVIOR, GENERALLY SPEAKING, WHEN YOU HAVE IE 4
2 AND NETSCAPE 4 INSTALLED, YOU CAN ALTERNATE
3 BETWEEN HAVING EITHER SET AS THE DEFAULT BROWSER.
4 IN SOME CASES, THOSE DEFAULT BROWSER
5 SETTINGS DO BECOME CONFUSED AND CAN MAKE IT
6 DIFFICULT FOR THE USER TO GET A PARTICULAR
7 BROWSER CONFIGURED AS THE DEFAULT BROWSER. SO
8 THAT CAN BECOME CONFUSING FOR END USERS.
9 SO THOSE WOULD PROBABLY BE THE TWO MAIN
10 REASONS. CERTAINLY, THERE WOULD BE, YOU KNOW,
11 MORE REASONS WE COULD PROBABLY THINK OF.
12 (EXCERPT.)
13 Q. IF THE VERSION OF WINDOWS 95 THAT YOU
14 STARTED WITH TO CREATE YOUR STANDARD IMAGE OR
15 STANDARD LOAD HAD AN INTERNET EXPLORER ICON ON
16 THE DESKTOP, WOULD YOU DELETE THAT ICON AS WELL
17 AS THE WAY YOU DO THE MSN AND OTHER ICONS NOW?
18 A. YES, I BELIEVE WE PROBABLY WOULD.
19 Q. WHY WOULD YOU DO THAT?
20 A. AS WE'VE SAID, NETSCAPE NAVIGATOR OR
21 NETSCAPE COMMUNICATOR 4.05 CURRENTLY, AS OUR
22 STANDARD WEB BROWSER, WE WOULD WANT TO ENCOURAGE
23 THE USE OF THAT WEB BROWSER RATHER THAN AN
24 ALTERNATIVE PRODUCT.
25 SO WE WOULD BE SEEKING TO, YOU KNOW,

1 MAKE IT AS OBVIOUS A CHOICE FOR END USER AS
2 POSSIBLE FOR THEM TO USE THE PRODUCT THAT WE HAD
3 CERTIFIED AS BEING STANDARD.
4 Q. WHAT, IF ANY, CONCERNS WOULD YOU HAVE
5 ABOUT END-USER CONFUSION IF THE INTERNET EXPLORER
6 ICON WAS LEFT ON THE DESKTOP AND, AS IT DOES,
7 BOEING STANDARDIZED ON NETSCAPE NAVIGATOR?
8 A. HAVING BOTH ICONS ON THE DESKTOP,
9 AGAIN, ESSENTIALLY GETS BACK TO HAVING END USERS
10 HAVE EITHER, YOU KNOW, APPLICATIONS OR SITES THAT
11 REQUIRE A PARTICULAR BROWSER, THAT ISSUE.
12 YOU WOULD ALSO PROBABLY RUN INTO
13 INSTANCES WHERE SPECIFIC CONFIGURATION SETTINGS,
14 YOU KNOW, DIDN'T WORK WITHIN ONE BROWSER OR THE
15 OTHER.
16 OR THEY MAY HAVE AN EXPECTATION THAT,
17 YOU KNOW, A PARTICULAR BROWSER WOULD FUNCTION IN
18 A PARTICULAR WAY, THAT IT WAS BASED ON EXPERIENCE
19 WITH ONE OF THOSE BROWSERS AND FIND THAT NOT TO
20 BE TRUE. I COULDN'T THINK OF ANY SPECIFIC
21 SCENARIOS THAT WOULD, YOU KNOW, OUTLINE THAT.
22 (EXCERPT.)
23 Q. FROM YOUR STANDPOINT, WOULD BOEING LIKE
24 TO HAVE A CHOICE AS IT MOVES TO WINDOWS NT 5
25 ABOUT WHETHER OR NOT TO USE INTERNET EXPLORER 5

1 AS ITS WEB BROWSER?

2 A. I WOULD STILL PREFER THAT WE HAD THAT
3 CHOICE TO MAKE. I WOULD STILL PREFER WE HAD THE
4 ABILITY TO CHOOSE BETWEEN THE NETSCAPE BROWSER AS
5 THE DEFAULT OR AS THE STANDARD WEB BROWSER FOR
6 THE NT 5 OPERATING SYSTEM AND INTERNET EXPLORER.
7 WE MAKE THAT CHOICE EXPLICITLY RATHER THAN HAVE
8 TO GO IN AND MODIFY THE BASE INSTALLATION TO MAKE
9 THE BROWSER SO THAT IT WOULD BE LESS VISIBLE.

10 Q. LET ME ASK YOU A FEW QUESTIONS ABOUT
11 THE ANALOGY THAT YOU HAVE HERE THAT MR. BURT
12 ASKED YOU ABOUT. I THINK YOU SAID THIS WAS IN
13 RESPONSE TO SOMEONE'S COMMENT THAT CONTAINED AN
14 INACCURATE OR LESS ACCURATE ANALOGY?

15 A. YES. I FELT IT WAS A LESS--WHAT I
16 HEARD WAS WHAT I FELT TO BE A LESS ACCURATE
17 ANALOGY. I WROTE THIS ANALOGY INSTEAD.

18 Q. LET ME EXPLORE THIS. THE LET ME
19 EXPLORE THIS--THE APPLICABILITY, IF YOU WILL, OF
20 THIS ANALOGY A BIT.

21 YOU COMPARE HERE TO A SITUATION TO ONE
22 OF YOUR AIRLINE CUSTOMERS SAYING, "WE LIKE THE
23 BOEING AIRPLANES, WINGS, FUSELAGE, CONTROL
24 SYSTEMS AND INFRASTRUCTURE, BUT WE WANT TO USE AN
25 AIRBUS COCKPIT TO CONTROL THE AIRPLANE."

1 IS IT--IS IT COMMON OR DOES IT HAPPEN
2 IN THE AIRLINE INDUSTRY THAT AN AIRLINE WILL
3 PURCHASE THE COCKPIT FOR A NEW AIRPLANE
4 SEPARATELY FROM THE WINGS, FUSELAGE, CONTROL
5 SYSTEMS AND INFRASTRUCTURE?
6 A. NO, NO, WOULDN'T BE COMMON.
7 Q. IS THAT A DIFFERENCE BETWEEN THIS PART
8 OF YOUR ANALOGY AND, AT LEAST, BOEING'S
9 EXPERIENCE IN BUYING WEB BROWSERS SEPARATELY FROM
10 OPERATING SYSTEMS?
11 MR. BURT: OBJECTION. LEADING.
12 THE WITNESS: YES, THAT WOULD BE, YOU
13 KNOW, THE DIFFERENCE. I MEAN, NORMALLY WE WOULD
14 EXPECT TO BE ABLE TO BUY THAT AS A COMPONENT, AND
15 IT WOULD WORK WITH WHATEVER OPERATING SYSTEM THAT
16 WE WERE CURRENTLY USING.
17 BY MR. MALONE:
18 Q. AND TO TRY TO ADDRESS MR. BURT'S
19 OBJECTION, IS THAT THE SAME AS OR DIFFERENT THAN
20 THE SITUATION YOU DESCRIBE HERE IN YOUR ANALOGY
21 OF WHAT AIRLINE CUSTOMERS WANT TO DO WITH THE
22 COCKPIT?
23 A. OH, YES, THAT WOULD BE DIFFERENT.
24 BECAUSE AN AIRLINE CUSTOMER, TYPICALLY, IF
25 THEY'RE BUYING A BOEING AIRPLANE, WOULD PROBABLY

1 WANT A BOEING COCKPIT.

2 Q. ARE YOU AWARE OF A BOEING AIRLINE

3 CUSTOMER EVER WANTING TO BUY AN AIRBUS COCKPIT TO

4 USE IN A BOEING AIRPLANE?

5 A. I CAN'T SAY THAT I'VE EVER HEARD OF

6 ANYBODY DESIRING THAT.

7 Q. NOW, YOU SAY RIGHT BELOW THE ANALOGY

8 THERE THAT THE CHOICE WE WILL HAVE TO MAKE IS

9 WHETHER WE WILL INSTALL A NETSCAPE BROWSER IN

10 ADDITION TO INTERNET EXPLORER AND HOW INTERNET

11 EXPLORER WILL BE CONFIGURED.

12 DO YOU SEE THAT?

13 A. YES.

14 Q. AND THEN YOU REFER TO THE RISKS SECTION

15 BELOW. AND THAT'S TOWARD THE BOTTOM OF PAGE TWO?

16 A. YEAH.

17 Q. AND THERE YOU SAY, "THE MAIN RISK FOR

18 THIS STRATEGY"--AND I ASSUME BY "STRATEGY" HERE

19 YOU MEAN MAKING IE 5 BE THE BOEING STANDARD

20 BROWSER?

21 A. LET'S SEE. THE INTENT THERE, I

22 BELIEVE, WAS TO THE STRATEGY--YES, MAKING IE THE

23 STANDARD BROWSER WAS THE STRATEGY THAT I WAS

24 TALKING ABOUT.

25 Q. "THE MAIN RISK FOR THIS STRATEGY IS

1 THAT IT MAY CAUSE US TO INSTALL A SECOND BROWSER
2 ON THESE DESKTOPS IN ORDER TO SUPPORT SPECIFIC
3 CAPABILITIES ON SPECIFIC WEB SYSTEMS."
4 TELL ME IN THIS SPECIFIC CONTEXT WHY
5 YOU VIEWED INSTALLING A SECOND BROWSER ON BOEING
6 DESKTOPS AS A RISK OR THE MAIN RISK, AS YOU SAY
7 HERE.
8 A. YEAH, IT GETS TO--OR IT INCREASES THE
9 COMPLEXITY OF THE SOFTWARE ON THE DESKTOP, MAKE
10 IT MORE DIFFICULT TO SUPPORT. YOU GET BACK INTO
11 A LITTLE BIT WHAT I TALKED ABOUT BEFORE IN TERMS
12 OF DEFAULT-BROWSER BEHAVIORS.
13 THE ASSOCIATIONS ON A DESKTOP FOR
14 DIFFERENT CONTENT TYPES, WHEN YOU CLICK ON A
15 LINK, DOES IT BRING UP WHICH BROWSER? IT BRINGS
16 UP THE DEFAULT BROWSER. WELL, WHICH ONE IS
17 CURRENTLY DEFAULT?
18 AS THAT GETS TOGGLED BACK AND FORTH,
19 THERE COULD BE SOME CONFUSION IN THE OPERATING
20 SYSTEM. AND EVENTUALLY, IT MAY FAIL TO CHANGE IT
21 BACK AND FORTH ANY LONGER.
22 THAT'S--YOU KNOW, THAT'S AN EXAMPLE OF
23 THE RISK. IT ESSENTIALLY INCREASES THE
24 COMPLEXITY OF THE DESKTOP.
25 (EXCERPT.)

1 Q. AND CAN YOU JUST TELL ME GENERALLY THE
2 SUBJECT MATTER OF EXHIBIT 8.
3 A. THIS WAS AN ATTEMPT TO DOCUMENT AND
4 CAPTURE SOME OF THE PROBLEMS THAT I PERCEIVED
5 WITH THE INSTALLATION OF IE 4.
6 Q. ABOUT A THIRD OF THE WAY DOWN THE FIRST
7 PAGE THERE'S A HEADING THAT SAYS, "PROBLEMS WITH
8 IE 4." AND THEN THE NEXT PARAGRAPH SAYS,
9 "MICROSOFT INTERNET EXPLORER 4.0 MAKES CHANGES TO
10 UNDERLYING WINDOWS 95 OPERATION SYSTEM DYNAMIC
11 LINK LIBRARIES (DLL). THESE MODIFICATIONS MAY
12 CAUSE UNEXPECTED SIDE EFFECTS FOR EXISTING
13 WINDOWS 95 APPLICATION SOFTWARE."
14 WHAT WERE YOU REFERRING TO THERE? WHAT
15 DID YOU MEAN?
16 A. AGAIN, BECAUSE YOU'RE MODIFYING OR
17 BECAUSE INTERNET EXPLORER MODIFIES DLL'S THAT
18 OTHER APPLICATIONS USE FOR SERVICES, THE IMPACT
19 OF THAT MODIFICATION COULD BE TO CAUSE THE
20 APPLICANTS TO BREAK. AND IN SOME CASES, THERE
21 WERE SPECIFIC EXAMPLES OF THOSE BEHAVIORS.
22 NOT SPECIFICALLY RELATED TO INTERNET
23 EXPLORER, BUT RATHER A COUPLE OF OTHER PRODUCTS,
24 I HAVE SOME SPECIFIC EXAMPLES OF INSTANCES WHERE
25 DLL CONTENTION CAUSES APPLICATIONS TO FAIL.

1 I--THE--OF THE ONES THAT ARE DOCUMENTED
2 IN THIS DOCUMENT, NONE OF THOSE OCCURRED WITHIN
3 BOEING. BUT MY ASSERTION WAS THAT WE COULDN'T
4 PREDICT WHETHER OR NOT THERE WOULD BE OTHER
5 APPLICATIONS THAT WOULD EXPOSE THESE KINDS OF
6 PROBLEMS. AND THAT UNCERTAINTY IS ENOUGH TO--TO
7 MY MIND, THAT UNCERTAINTY IS ENOUGH TO WARRANT
8 NOTING THAT AS A PROBLEM OR CONCERN.
9 (EXCERPT.)
10 Q. OKAY. AND DO I UNDERSTAND CORRECTLY
11 THAT NO ONE AT BOEING HAS EVER DONE ANY TESTING
12 OR EVALUATION TO DETERMINE WHETHER, IN FACT,
13 THERE WERE ANY INTERNAL BOEING APPLICATIONS THAT
14 WOULD BE AFFECTED BY THOSE CHANGES?
15 A. NO. THERE HAS NOT BEEN ANY EXTENSIVE
16 TESTING OF THAT SPECIFIC RISK.
17 (EXCERPT.)
18 Q. OKAY. AND ARE YOU AWARE OF ANY OTHER
19 CONFLICTS WITH INTERNET EXPLORER 4 MODIFYING
20 DLL'S IN A WAY THAT IT HAS ANY IMPLICATION ON
21 COMMERCIALLY AVAILABLE SOFTWARE?
22 A. NO, I'M NOT.
23 Q. OKAY. AND YOU ALREADY TESTIFIED IN
24 THIS SERIES OF QUESTIONS BY ME THAT YOU ARE NOT
25 AWARE TODAY OF ANY SPECIFIC CONFLICTS WITH ANY

1 INTERNAL BOEING APPLICATIONS; CORRECT?

2 A. NO, I'M NOT AWARE OF ANY.

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