McDonald & Quackenbush PS
AUG 18 1998
RECEIVED
FOR ATTORNEYS' EYES ONLY

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 SUN MICROSYSTEMS, INC., a )
6 Delaware corporation, )
7 Plaintiff, )
8 vs. ) No. C97-20884 PVT (ENE)
9 MICROSOFT CORPORATION, a )
10 Washington corporation, )
11 Defendant. )

COPY

12
13 ATTORNEYS EYES ONLY
14 Deposition Upon Oral Examination
15 BENJAMIN SLIVKA, Vol. 1, pgs. 1 - 248
16
17 Taken at 1201 Third Avenue, Suite 4600 Seattle,
18 Washington
19
20
21
22
23
24 DATE: August 13, 1998
25 REPORTED BY: Peggy M. Fritschy, RPR CSR: FRITSPM422MB

PENGAD-Bayonne, N.J.
GOVERNMENT EXHIBIT
1475

MS98 0165638
CONFIDENTIAL



TXAG2 0020319
CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24 Q. So this E-Mail is titled "Microsoft Java
25 Strategy," and you begin saying "Charles F, Ben A, and I

MS98 0165762
CONFIDENTIAL



TXAG2 0020443
CONFIDENTIAL

1 brainstormed for 2 hours this morning." So Charles F is
2 Charles Fitzgerald?
3 A. Correct.
4 Q. Ben A is Ben Algaze?
5 A. Correct.
6 Q. Who is he?
7 A. Some kind of marketing guy or business
8 development guy. Something like that.
9 Q. Then you go on saying "We need to nail this
10 down, and then start communicating the public aspects of
11 this in a very crisp, coordinated fashion."
12 Why was it so important that this be
13 communicated crisply and in a coordinated fashion?
14 A. Well, if you read the next sentence, "So far
15 Sun and Netscape have both wildly out-marketed us on
16 Java. It cures cancer, et cetera. We need to bring
17 some reality to the market perception."
18 Q. Did you feel at this point that Microsoft had
19 not done a very good job of articulating its message on
20 Java?
21 A. Yes.
22 Q. The Microsoft Java strategy message begins
23 with four key things. And the first one is "Help drive
24 IE market share with high-quality Java 'subset.'"
25 What subset are you referring to there?

1 A. Basically the same set of stuff that Navigator
2 did for Java.
3 Q. I'm not understanding what the term "subset"
4 means in this context. Subset of what?
5 A. Well, in -- I think at this time Sun was
6 talking about lots of Java classes for anything from, I
7 don't know, remote control toasters and Java -- I don't
8 know if it was Java rings, but there was a ton of Java
9 classes that Sun was talking about. Maybe they weren't
10 shipping most of those. And so, I think when I said
11 that here was focused on the set of things that
12 basically IE needed to have to have a viable Java
13 support for browsing the web.
14 Q. The Java applet environment?
15 A. Right.
16 Q. No. 2 is "Get developers to write very rich
17 Windows applications, controls, et cetera, in Java."
18 Why was that the focus rather than getting
19 developers to write great cross-platform applications in
20 Java?
21 A. Well, Windows is our platform. We have been
22 very successful by continuing to enhance Windows, add
23 new features, make Windows easier to use, and then
24 encouraging developers to write programs for Windows.
25 That's just sort of a continuation of that strategy.

MS98 0165764
CONFIDENTIAL



TXAG2 0020445
CONFIDENTIAL

1 Q. Third one is "Focus corporate developers on
2 server-side APPs (IStudio/Denali), render Java
3 irrelevant on the client."
4 Why was that your goal, that is, to render
5 Java irrelevant on the client? First of all, can you
6 explain what that means?
7 A. Well, to be clear, this Microsoft Java
8 strategy, this was a set of brainstorming we did. So
9 these were all proposals or things to think about doing.
10 So to the extent that the point of this No. 3, "Focus
11 corporate developers on server-side apps," the point was
12 that if people wanted cross platform, they could do that
13 with writing service side applications and working with
14 dumb clients, basically web browsers, instead of writing
15 lots of clients Java code. In fact, that's what the
16 market did, sort of regardless of us. You know, that's
17 what corporate developers and even web sites have sort
18 of settled on these days.
19 Q. Why was it, though, a goal of Microsoft's or a
20 potentially advocated goal to render Java irrelevant on
21 the client?
22 A. Sun had been telling us in no uncertain terms
23 that they were going to put Java everywhere. They were
24 going to get every ISV in the world, every developer in
25 the world to write Java programs, and then they were

MS98 0165765
CONFIDENTIAL



TXAG2 0020446

1 going to sell Java OS and basically render Windows
2 irrelevant. So, it seemed like a natural thing for us
3 to think about is for these cross-platform scenarios as
4 rendering Java irrelevant.
5 Q. Under that it says "It is critical to get
6 converged VB/Java/IStudio tool to market."
7 What were you referencing there?
8 A. That was basically a development tool to be
9 able to write these (server-side applications.)
10 Q. Was there discussion about having a compiler
11 that would compile both Java and Visual Basic?
12 A. I don't know if we had that at this time.
13 October. There was certainly some discussion at some
14 point, but that's not what I'm trying to refer to here.
15 In fact, I don't even understand why it says Java there
16 as I read this now.
17 Q. Okay. I'm sorry. I missed part of your
18 answer. The question was whether there was discussion
19 about having a compiler that could compile both Java
20 source code and Visual Basic source code. Let me repeat
21 the question and ask you to give it to me again. I
22 missed part of it. Was there a discussion about having
23 such a compiler or developing one?
24 A. Well, there was at some point a discussion
25 about how could we -- was there any way to build a

MS98 0165766
CONFIDENTIAL



TXAG2 0020447
CONFIDENTIAL

1 development tool in a runtime environment that could
2 support both VB and Java. Whether we talked
3 specifically about the way you asked the question, I'm
4 not so sure about that.
5 Q. My question was just whether a compiler would
6 be capable of compiling both?
7 A. A compiler is a fairly precise term, and so I
8 don't know that that -- you have to think about how we
9 actually thought about how we build something. So a
10 more accurate answer would be to say there was certainly
11 discussion about how could we have an optimized
12 development tool in runtime environment in a platform
13 that would be able to support both Visual Basic and Java
14 code.
15 Q. Okay. Specifically, though, was there any
16 discussion that you remember about having a compiler
17 that could compile both Java and Visual Basic source
18 code?
19 A. It would be hard to have one compiler that did
20 both because the languages are different.
21 MR. QUACKENBUSH: He's just asking about
22 whether there was a discussion, you recall a discussion,
23 whether it's possible or feasible.
24 A. I don't know that I ever heard it phrased that
25 way, the way you described it, so that's why I was

1 trying to describe what I, something that sounded like
2 what you were asking.
3 Q. I appreciate that.
4 Let me just ask you one more pointed question.
5 Was there any discussion about having a compiler that
6 would have multiple configurations or modes, one mode of
7 which could compile Java source code and another mode or
8 configuration of which could compile Visual Basic code?
9 MR. QUACKENBUSH: Object, asked and answered.
10 A. Yeah. I tried to answer that same question,
11 so I answered it in the way I thought was most accurate.
12 I can give you that same answer again if you want.
13 Q. The short and direct answer to that question
14 is no, you don't remember any such discussions?
15 A. I guess the short answer would be no.
16 . T e fourth thing on your four key things list
17 was "Let Java class library space fragment so that write
18 once, run everywhere does not happen."
19 We talked earlier about the fragmentation, but
20 when you say "Let Java class library space fragment" in
21 this context, what do you mean exactly?
22 A. Well, at this time there were already multiple
23 proposals from -- there were Java class libraries in
24 various spaces like databases or 2D graphics or 3D
25 graphics, or other things. That -- Sun had some

1 proposals. Other parties like Netscape, for example,
2 had their Netscape IFC, which was a competitor to Sun's
3 AWT, so the point was, you know, let that happen.
4 Don't, you know, don't necessarily back any one
5 particular API set.
6 Q. And did you see the fragmentation of the Java
7 class library space as being useful because it was a
8 means to the end of defeating the write once, run
9 everywhere?
10 A. All this comes back to Windows and the threat,
11 you know, Sun's very direct threat to our Windows
12 platform, and the success of Windows on the client. So
13 this seemed like if the library space fragmented, the
14 write once, run anywhere I guess actually is what Sun
15 called it, that would be a lot less probable.
16 (Record read back as requested.)
17 Q. So is the answer yes?
18 A. I guess, the end was to protect the Windows
19 franchise, not to defeat the write once, run everywhere,
20 but, otherwise, I could answer yes to that.
21 Q. Okay. The way you phrase it here is not a
22 Java class library space fragment to save Windows. It's
23 so that write once, run everywhere does not happen.
24 A. Okay.
25 Q. Are those two things really the same?

MS98 0165769
CONFIDENTIAL



TXAG2 0020450
CONFIDENTIAL

1 A. Which two things?
2 Q. Saving Windows and defeating write once, run
3 everywhere.
4 A. Well, no, because even if the write once, run
5 everywhere thing that had worked, there were issues
6 about performance and the set of features and the
7 development tools. There were a lot of things that Sun
8 had to execute well on in order for Java, the Java
9 platform to beat Windows.
10 Q. If all that's true, then why is it that you
11 are saying here that you want the Java class library
12 space to fragment so that write once, run everywhere
13 doesn't happen?
14 A. This document isn't an attempt to have an
15 exhaustive list of all the things that we could do to
16 combat the threat of Java towards Windows. And so this
17 point No. 4 is one of those points, but certainly not
18 the only point.
19 Q. I understand it's not the only point. You
20 didn't want write once, run anywhere to work; right?
21 A. Correct.
22 Q. You had discussions with people at Microsoft
23 and that was a consensus in Microsoft?
24 A. If it had become the case that someone could
25 write a very rich application as rich as a native

1 Windows application and it would run on any operating
2 system platform, then the benefits we had at that point
3 where Windows was very popular, that would be
4 diminished.
5 Q. In the next section you say "Things to debunk
6 about Java," and the first one is "write once, run
7 anywhere." By debunk, what do you mean?
8 A. Debunking is that this was a myth, that these
9 were all sort of lies and promises about Java that were
10 not true.
11 Q. And so what were you advocating be done in
12 connection with the write once, run anywhere?
13 A. This is an educational effort to just talk to
14 analysts. I mean, a lot of analysts in the computing
15 community and corporate developers and even some ISVs
16 had sort of drunk the Koolaid from Java software. Oh,
17 write once, run anywhere, yeah, let's go do that.
18 At this time -- this is almost two years ago,
19 so we were concerned on a couple points: one is that
20 there were -- we didn't believe this was true, that Sun
21 would be able to achieve that, and we were concerned
22 that, you know, that our customers would be confused and
23 distracted and sent down, you know, go down these wrong
24 business models, and that their companies would stop
25 making money or whatever, so there was a concern about

MS98 0165771
CONFIDENTIAL



TXAG2 0020452
CONFIDENTIAL

1 that.
2 And there was also a concern that if Sun was
3 able to somehow do that, which we didn't think Sun would
4 be able to, there was obviously that concern about the
5 threat to Windows.
6 The things to debunk is mostly a marketing
7 point, that these are things, these are the flaws with
8 Java, and we just wanted to make sure that the computing
9 community at large understood both. there was the Sun
10 spin and there was Microsoft's, you know, reality
11 perspective on Java.
12 Q. With respect to write once, run anywhere, you
13 were advocating that analysts and ISVs and others in the
14 community be told that it was not realistic?
15 A. We should educate them about how that's not
16 true, right.
17 Q. And Microsoft has made efforts to do that?
18 A. Yes. In fact, that's been proven out.
19 There's a lot of companies that tried that and failed.
20 Corel tried that and failed. Netscape tried that and
21 failed. There are a lot of companies, SAP, Bon, there's
22 a whole bunch of companies that tried to write the Java
23 programs and had them run everywhere, and it just
24 didn't, it didn't work.
25 Q. The next item says "Issues/work items."

MS98 0165772
CONFIDENTIAL



TXAG2 0020453
CONFIDENTIAL

1 A. Okay.
2 Q. And the first entry says "Should we hold back
3 Win16 Java?" And then under that it says "To extent
4 Java is adopted, will drive Win3.2 sales."
5 Can you explain what that means?
6 A. Well, so the question is should we, you know,
7 should we do this Win16 Java and ship it? "To extent
8 Java is adopted, will drive Win3.2 sales." We were
9 trying to balance two concerns here. Again, this is all
10 thinking we were doing. One was that -- at that point
11 there wasn't a Win16 implementation of Java, so even
12 though that was the predominant Windows client platform
13 at this time in '96, Sun or Netscape, no one had shipped
14 a Win16 bit implementation of Java. So in fact the
15 write once, run anywhere was a total lie, you know, as
16 far as Win16 customers were concerned.
17 So on the one hand if we had done a 16-bit
18 version of Java, that would have helped Sun's write
19 once, run anywhere message. On the other hand, you
20 know, if people were excited about Java and it wasn't on
21 the Win16 -- let's see, Java ran way better we figured
22 on 32 bit Windows, so that would be good for us, because
23 people would be encouraged to upgrade from Win3.1 or
24 Win3X to Win95 or Windows NT.
25

MS98 0165773
CONFIDENTIAL



TXAG2 0020454
CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18 Q. Down below, about the middle of the page
19 there's an entry "Sun's Strategy." No. 2 "Get critical
20 mass of new apps written to Java platform: Appeals to
21 developers because," and then you have A, B, C, D under
22 that, and A is "cross platform," and A1 is "Sun
23 compatibility test suite -- bound to fail. Doesn't
24 fully cover all their APIs."
25 What did you mean by that?

MS98 0165774
CONFIDENTIAL

1 A. Well, basically there was this JCK, the Java
2 compatibility kit, and it was basically a very poor
3 piece of work.
4 Q. Because?
5 A. It didn't go anywhere near covering all the
6 boundary conditions and test cases that you need to do
7 to fully verify the set of Java APIs that Sun shipped in
8 JDK1.0.
9 Q. What do you mean by APIs in this context?
10 A. Class libraries. They're the set of objects
11 you could create and the methods you could call on those
12 objects.
13 Q. You say underneath that, "class library market
14 share will establish defacto standard."
15 What do you mean by that?
16 A. This is kind of the standard thing in
17 platforms and operating systems, that whichever platform
18 the most developers target, that will be the most
19 popular and will establish a defacto standard.
20 Q. What does that defacto standard get for you?
21 A. Well, in the way that Windows, for example, is
22 very popular right now, so you get to sell more copies
23 of Windows that way.
24 Q. So if you have a class library defacto
25 standard, developers are going to be economically

MS98 0165775
CONFIDENTIAL



TXAC2 0020456

1 incented to write to that class library space?
2 A. Well, to the extent there's a large market
3 share for that, there's a large opportunity for them to
4 sell their applications.
5 Q. And then customers in turn will be incented to
6 buy that class library space because there will be more
7 applications out there written to it; is that right?
8 A. Well, assuming that customers had to buy that
9 application set of class libraries in the first place.
10 In our case, these were things that just came with
11 Windows.
12 Q. So in that case, then customers would buy
13 Windows?
14 A. Right.
15
16
17
18
19
20
21
22
23
24
25

MS98 0165776
CONFIDENTIAL



TXAG2 0020457

1
2
3
4 Q. The third and final entry under "Sun Strategy"
5 is "Java OS beats Windows. License to Windows OEMs now
6 that Java apps are prevalent."
7 What are you getting to there?
8 A. So, Sun has this kind of Trojan horse
9 strategy. Their idea was they would get their Java
10 platform onto all the popular operating systems, and
11 then they could encourage basically all the developers
12 in the world to write Java programs that were cross
13 platform. They later introduced this market concept of
14 100 percent pure. And then the idea is that the
15 operating system would have no value, and then they
16 could go out and sell Java OS and replace Windows.
17 Q. I may have misheard you. You said the
18 operating system would have no value?
19 A. Right.
20 Q. What did you mean by that?
21 A. There would be no distinguishing
22 characteristics between Windows and the Java OS or
23 Macintosh or Solaris, or anything else.
24 Q. I see. So you saw their strategy as leveling
25 the OS playing field so that Java OS and WindowsOS could

MS98 0165777
CONFIDENTIAL



TXAG2 0020458
CONFIDENTIAL

1 just compete on their merits?
2 MR. QUACKENBUSH: Objection, misstates the
3 testimony.
4 A. Sun told us in no uncertain terms, Baratz told
5 us that that was absolutely their strategy, to get all
6 the applications in the world to be Java applications
7 and so that then they could sell a Java OS.
8 Q. If I understand the logic, though, it's if all
9 the applications out there are Java applications, then
10 the Java OS and the WindowsOS can compete on their
11 merits?
12 A. Well, there would be no application-installed
13 base advantage to Windows is the right way to say it.
14 Q. Under that it says "Microsoft Java Strategy."
15 Underneath that it says "Drive MS Java VM and class libs
16 "(with Win3.2 extensions!)" to broad installed base."
17 Why was the distribution to a broad installed
18 base important?
19 A. Well, so this -- this follows up on -- let's
20 see. We basically wanted people who wanted to write
21 Windows applications in Java to be able to use our
22 Virtual Machine for that.
23 Q. But why was distribution to a broad installed
24 base important?
25 A. Developers hate shipping extra DLLs and files



MS98 0165778
CONFIDENTIAL

TXAG2 0020459
CONFIDENTIAL

1 and bytes with their programs, so it's just easier if
2 it's broadly distributed so that the individual
3 application developer doesn't have to worry about that.
4 Q. Does it come back to the idea of creating a
5 defacto standard?
6 A. Sure.
7 Q. No. 2 is "Don't encourage new cross-platform
8 Java classes; especially don't help get great Win3.2
9 implementations written/deployed."
10 The concern there was what?
11 A. That's funny. We sort of later didn't do this
12 and then we did do this. We were schizophrenic on this
13 point.
14 So "Don't encourage new cross-platform Java
15 classes," the point is let's not help -- to the extent
16 that these cross-platform Java classes are possible,
17 let's not us help Sun with that. Since Sun's overall
18 goal is to kill Windows, it's not in our best interest
19 to help them kill Windows.
20 And then the second point, "Especially don't
21 help get great Win3.2 implementations written/deployed,"
22 the thinking here was that, you know, Sun's
23 implementation here so far, the performance was not very
24 good, and so, you know, there were several problems with
25 Sun's strategy. The biggest one was that these programs

1 written in Java were -- had fewer features and were
2 slower and were less reliable than Windows'
3 applications. So, the second point was we didn't want
4 to help Java be better on Windows.
5 Q. Even though that would allow developers to
6 write rich programs that would run on the Windows
7 platform?
8 A. No. The point is this is these cross-platform
9 Java classes. We didn't want to do a great job of that,
10 although, in fact, what we actually executed on for IE4
11 was that we did the best implementation of all the
12 standards Sun-applied Java classes, so we actually
13 didn't follow this recommendation in terms of what we
14 did for IE4.
15
16
17
18
19
20
21
22
23
24
25

MS98 0165780
CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10 Q. Let me ask you to turn to the next page.
11 About halfway down there's "Microsoft Levers for Java,"
12 do you see that heading?
13 A. Yes.
14 Q. First of all, what did you mean by "levers for
15 Java"?
16 A. These were things under our control that we
17 could use to battle Java in its fight to kill Windows.
18 Q. The first was "Distribution (with Windows.)"
19 First of all, distribution of what with Windows?
20 A. Of our Java VM and class libraries.
21 Q. Why is that a lever?
22 A. Well, you can see the three points before,
23 that we don't want to ship every Java class in the known
24 universe, and we do want to ship a world-class VM, and
25 world-class core class libraries for these, basically

MS98 0165781
CONFIDENTIAL



TXAG2 0020462
CONFIDENTIAL

1 for Java applets, and then the Win3.2 extensions. And
2 then we also wanted to ship lots of additional Win3.2
3 Java wrappers so that Java developers could easily call
4 Windows-only services like Direct Draw, Direct 3D,
5 Direct Play, Active Animation, Active Movie, and those
6 kinds of things.
7 Q. Did you believe, though, that -- strike that,
8 please.
9 I guess there may be two separate issues here.
10 One is what you believe Microsoft should and shouldn't
11 ship, and the other is whether distribution with Windows
12 added some extra lever, and I'm interested in getting to
13 that second issue to the extent that it's a separable
14 issue. So this heading No. 1 said "Distribution (with
15 Windows.)" Was that in itself in your view a lever in
16 your efforts with respect to Java?
17 A. Well, Microsoft defines what's in Windows, so
18 to the extent since we have control over that, we should
19 think about, you know, what to include in Windows and
20 what not to include in Windows when it came to Java.
21 Q. Was it your sense, though, that given the
22 enormous market share of Windows, that shipping things
23 with Windows could create a defacto standard?
24 A. Well, shipping things with Windows did create
25 defacto standards.

MS98 0165782
CONFIDENTIAL



TXAG2 0020463
CONFIDENTIAL

1 Q. That was your perception at the time?
2 A. Yes.
3 Q. Is that why you are putting this down as one
4 of Microsoft's levers for Java?
5 A. Yes.
6 Q. On 1B you say "Do ship world-class VM
7 (interpreter, JIT, ActiveX integration,) and world-class
8 core class libs."
9 What did you mean by core class libs?
10 A. Well, in parentheses I said "Necessary for
11 high-volume 'HTML applets,'" so those are basically the
12 Java applets that run on web pages that are running in
13 the sandbox and are 10C percent Java.
14 Q. Okay. And then point 1C is "Do ship lots of
15 Win3.2 Java wrapper classes." What does that refer to?
16 A. That's the part I said earlier where there are
17 a lot of services that Windows provides that the class
18 libraries from Sun didn't expose at all because they
19 weren't available on Solaris or Macintosh or other
20 platforms, so we just wanted to make sure that Java
21 developers who wanted to write Windows applications
22 could call those services very, very easily.
23 Q. They could call them if you had written a
24 wrapper for them?
25 A. Yes. Wrapper class was just a phrase. It's

1 basically the DirectX and Active Animation, these other
2 things were either COM things or straight C and C++
3 APIs. Well, actually C APIs. So a Java developer would
4 have to do a lot of work to be able to call those from
5 Java. So we wanted to make that a lot easier.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS98 0165784
CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19 Q. In the middle of Mr. Muglia's response to
20 Mr. Baratz's statement about Microsoft will not do
21 anything that is platform specific, 1, 2, 3, 4th line in
22 the paragraph says "MS has to pass Sun test suite,
23 revise our Java VM - we will fulfill the obligations of
24 our contract." What specifically do you understand the
25 phrase "revise our Java VM" to mean in that context?

MS98 0165823
CONFIDENTIAL

1 A. I'm not sure.
2 Q. Do you have any memory of what was said about
3 that?
4 A. Oh, I think -- let me read the whole phrase
5 here so we have it in context. Alan just talked about
6 this thing where he doesn't want Microsoft doing
7 anything that's platform specific. Bob said, Our goal
8 is promoting Windows. That's a $4 million business for
9 us. Microsoft covers the same markets as Java OS with
10 Windows CE. So his point is, you know, don't give me
11 any nonsense about how your operating system things
12 aren't competitive with Windows because they are. Bob
13 continues, "Sun goal is a new platform. Xplatform is
14 your lever to establish a new platform."
15 So then he says "Microsoft has to pass the Sun
16 test suite, revise our Java VM. We will fulfill the
17 obligations of our contract." So his point is we are
18 going to do what the contract requires us to do.
19 Q. Okay. Let me just come back to the same
20 question, though. What I'm trying to understand is what
21 the phrase "Revise our Java VM" means in that context.
22 You just have no idea as you sit here?
23 A. Right.
24 Q. A few lines down it says, "MS views Java as
25 the No. 2 platform to Windows (ahead of Mac, Unix, OS2,

MS98 0165824
CONFIDENTIAL

1 et cetera.)" Was Mr. Muglia saying in this meeting that
2 Microsoft views Java as its No. 1 competitor in terms of
3 Windows' OS platform?
4 A. I just wrote down what Bob said, so -- if Bob
5 was actually thinking that, I would have to be
6 speculating.
7 Q. Is that what you understand him to mean,
8 though, by saying that MS views Java as No. 2 platform,
9 does that mean that the Java platform is the No. 1
10 competitor to the Microsoft Windows platform?
11 A. I think the next sentence is a good one. Bob
12 said, "We can go down the path of just being
13 competitors, fulfilling the contract, or we can
14 cooperate technically to help our common customers."
15 Q. Does that answer the question?
16 A. I think it does, because you were -- I think
17 in this, at least as I recorded what Bob said, he says
18 Hey, we can just be competitors, or we can figure out
19 how to cooperate technically to help our common
20 customers. So my point is that the Java platform
21 wouldn't have had to be a strict competitor to Windows.
22 Q. I understand that point. From the competitive
23 perspective, though, Microsoft did perceive Java as the
24 biggest threat?
25 MR. QUACKENBUSH: Objection, no foundation.

MS98 0165825
CONFIDENTIAL

TXAG2 0020506
CONFIDENTIAL

1 A. Well, all I can say is Bob Mu said at this --
2 all I can tell you is what I recorded Bob Mu saying.
3 Q. What was your perception at the time?
4 A. This is October '96. I would say that Java
5 was certainly a threat. I also think the web platform
6 in general, HTML and HTP, was another threat. I don't
7 remember at this point whether I would have weighed the
8 web platform as a bigger threat to Win3.2 than Java, or
9 not.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS98 0165826
CONFIDENTIAL

TXAG2 0020507
CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23 Q. The last paragraph you say "If Sun and we
24 disagree on this and diverge in these areas" -- first of
25 all, by "this," do you mean language extensions?

MS98 0165839
CONFIDENTIAL

TXAG2 0020520
CONFIDENTIAL

1 A. Yes.
2 Q. "If Sun and we disagree on this and diverge in
3 these areas, as long as Netscape doesn't buddy up with
4 Sun, that is a super outcome for us (more
5 fragmentation.)"
6 Why would that be a super outcome?
7 A. Because it would just confuse Java developers
8 about which Java platform they should write for.
9 Q. That was a good thing from Microsoft's
10 perspective?
11 A. Correct.
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS98 0165840
CONFIDENTIAL

TXAG2 0020521
CONFIDENTIAL