IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Petitioner, v. MICROSOFT CORPORATION, Respondent.	Supplemental to Civil Action No. 94-1564 Hon. Thomas Penfield Jackson

DECLARATIONS OF THIRD PARTIES
SUBMITTED WITH UNITED STATES' REPLY BRIEF

Joel I. Klein
Assistant Attorney General
A. Douglas Melamed
Principal Deputy Assistant Attorney General
Rebecca P. Dick
Director of Civil Non-Merger Enforcement

Christopher S Crook
Chief
Phillip R. Malone
Steven C. Holtzman
Pauline T. Wan
Karma M. Giulianelli
Michael C. Wilson
Sandy L. Roth
John F. Cove
Attorneys

U.S. Department of Justice
Antitrust Division
450 Golden Gate Ave., Room 10-0101
San Francisco, CA 94102
(415) 436-6660

Case No. 94-1564

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Petitioner, v. MICROSOFT CORPORATION, Respondent.	Supplemental to Civil Action No. 94-1564 (Antitrust) Hon. Thomas Penfield Jackson

DECLARATION OF JOHN GAILEY

I, John Gailey, declare as follows:

1. I am Director of Engineering for Novell, Inc., responsible for Novell's collaboration products that enable groups of users to gather, access, share and manage information.

2. One of Novell's collaboration products is GroupWise. GroupWise provides users with a suite of products that includes electronic mail, calendaring and scheduling, document management, task management, and Internet support.

3. GroupWise includes several Internet-related features. For example, if a user receives an electronic mail message that contains the address for a website on the Internet, the user can click on that website address and GroupWise will launch whatever browser the user has selected as the default browser on the user's computer to take the user to the website. This

browser can be Internet Explorer, Netscape Navigator, or any other browser the user selects. This functionality does not depend on the presence of Internet Explorer on the computer.

4. GroupWise runs on a number of different operating system platforms including Microsoft's Windows 95 operating system. The version of GroupWise that runs on Windows 95 calls upon a number of services provided by Windows 95. Because Microsoft is constantly changing and updating the system services provided by Windows 95, Novell bundles some of those operating system services with GroupWise in order to ensure that all users have available to them the latest version of the system service GroupWise is calling upon. For example, Windows 95 includes a service called OLEAUT32, part of the COM system service, which allows applications to communicate with other applications using the OLE/COM interface. GroupWise uses OLEAUT32. Although every computer running Windows 95 includes OLEAUT32, Microsoft has made multiple changes to this service since the first release of Windows 95. As a result, users of the first release of Windows 95 may not have the latest version of OLEAUT32. The current release of GroupWise relies on an updated version of OLEAUT32 that Microsoft made available after Windows 95 first came out. GroupWise will not function correctly on computers that have older versions of OLEAUT32. Novell therefore includes the particular version of OLEAUT32 it uses with GroupWise to ensure that all users of GroupWise will have the correct version of OLEAUT32 that will allow GroupWise to operate.

5. Microsoft applications also bundle updated operating system services in the same manner that GroupWise does. For example, Microsoft Office 97 redistributes a later version of OLEAUT32.

6. GroupWise also uses system services provided by companies other than Microsoft. For example, in order to enable its users to view certain PowerPoint and WordPerfect files, GroupWise uses a set of viewing services that have been developed by a company called Inso. In the same manner that Novell includes with GroupWise some updated components of Windows 95 that it needs, it also includes Inso's viewing services to ensure that GroupWise users will have the functionality needed. As a technical matter, GroupWise calls upon the services provided by Inso in the same manner in which it calls upon such services as OLEAUT32 provided by the Windows 95 operating system. I do not consider the viewing services provided by Inso to Novell for redistribution with GroupWise to be part of the Windows 95 operating system.

I declare under penalty of perjury that the foregoing is true and correct. Executed on in Orem, Utah, on November 17, 1997.

JOHN GAILEY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Petitioner, v. MICROSOFT CORPORATION, Respondent,	Supplemental to Civil Action No. 94-1564 Hon. Thomas Penfield Jackson

DECLARATION OF JOSEPH J. ALLAIRE

I, Joseph J. Allaire, declare:

1. I am the founder and Executive Vice President of Products for Allaire Corporation ("Allaire"). I am responsible for product strategy at Allaire.

2. As described in my earlier declaration dated November 7, 1997, Allaire's latest product, HomeSite 3.0 embeds and uses certain systems services provided by Internet Explorer 3.0 and 4.0. Currently, customers who purchase a copy of HomeSite 3.0 on CD-ROM also receive on that CD-ROM a copy of Internet Explorer 4.0. If a user chooses to install HomeSite 3.0 from the CD-ROM and also chooses separately to install Internet Explorer 4.0 from the CD-ROM, HomeSite 3.0 will function the same way regardless of whether the user's PC has Internet Explorer preinstalled.

3. HomeSite 3.0 provides the same functionality regardless of whether a personal computer manufacturer preinstalls Internet Explorer 3.0 or 4.0 on the user's PC or the user installs a copy of Internet Explorer 3.0 or 4.0 obtained from another source (e.g. buying it at retail or downloading it from the Internet).

4. Not only does HomeSite 3.0 use certain functionality provided by Internet Explorer, it also uses certain functionality provided by third parties other than Microsoft. For example, HomeSite 3.0 uses certain functionality provided by a company called LeadTools that allows HomeSite to display certain types of images. Allaire distributes those imaging services with the Home 3.0 product. We do not consider those imaging services to be part of the operating system. The manner in which HomeSite 3.0 makes use of third party functionality like LeadTools is technically identical to the manner in which HomeSite 3.0 makes use of the services contained in Internet Explorer.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Cambridge, Massachusetts on November 17, 1997.

Joseph J. Allaire

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Petitioner, v. MICROSOFT CORPORATION, Respondent.	Supplemental to Civil Action No. 94-1564 Filed:

DECLARATION OF JESSE BOUDREAU

I, Jesse Boudreau, declare as follows:

1. This is a declaration supplementing my November 8, 1997 declaration submitted to this Court by Microsoft Corporation on November 10, 1997.

2. One Pictorius product that utilizes Internet Explorer 4.0 services is Pictorius iNet Developer, version 3.0, released in November 1997. There have been three versions of iNet Developer. The first version, iNet Developer 1.0, was released in April 1997, and did not utilize any services provided by either Internet Explorer 3.0 or 4.0. Pictorius iNet Developer, version 1.0, enabled Internet web developers to design HTML coded web pages for viewing on the World Wide Web. The second version, Pictorius iNet Developer 2.0, released in July 1997, is designed to operate with Internet Explorer 3.0 and Netscape Navigator 4.0. A web developer that designs web pages using iNet Developer 2.0 can subsequently view the web page on either Internet

Explorer 3.0 or Netscape Navigator 4.0. Pictorius iNet Developer 1.0 and 2.0 do not utilize any browser-specific services offered by any version of either Microsoft Internet Explorer or Netscape Navigator.

3. Pictorius iNet Developer 3.0 is a web authoring tool used by Internet web developers to create and design web pages. Pictorius iNet 3.0 includes some functionality that uses services provided by Internet Explorer 4.0. In order to ensure that a web developer purchasing iNet 3.0 can utilize the features of iNet 3.0 that uses Internet Explorer 4.0 services, Pictorius distributes with iNet 3.0 the necessary components of Internet Explorer 4.0. As a result, even an Internet web developer who has not loaded Internet Explorer 4.0 will be able to utilize the specific functionality associated with Internet Explorer 4.0 because we include these services with iNet 3.0. In addition, if an Internet web developer uses another browser, such as Internet Explorer 3.0 or Netscape Navigator 4.0, the developer can continue to use iNet 3.0 to create and design web pages.

4. Pictorius iNet products also use services provided by companies other than Microsoft. For example, in order to render graphic images on Windows, iNet uses a set of imaging services that have been developed by a company called Lead Tools. In the same manner that Pictorius distributes the necessary components of Internet Explorer 4.0 with iNet 3.0, it also distributes Lead Tools' library of imaging services with its iNet application to ensure that Internet web developers will be able to run the graphic images on the web page. On the Macintosh version of iNet Developer, however, iNet does not include this library because the services are offered with the Macintosh operating system.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Ottawa, Ontario, Canada, on November 17, 1997.

JESSE BOUDREAU

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Petitioner, v. MICROSOFT CORPORATION, Respondent.	Supplemental to Civil Action No. 94-1564 Hon. Thomas Penfield Jackson

DECLARATION OF ROBERT BICKEL

I, Robert Bickel, declare:

1. I am Senior Vice President and Chief Operating Officer of Bluestone Software, Inc. ("Bluestone"). I have been intimately involved with the development of Bluestone's primary product, Sapphire/Web.

2. Sapphire/Web is a development tool suite to assist software developers in creating applications that access databases of information over internal corporate networks (intranets) or over the Internet through a Web-based user interface.

3. Sapphire/Web allows developers to test how the applications they build work with browsers. When users want to test the applications that they are designing, they can hit a test button that causes a browser to pop up on the screen. The particular browser that pops up is determined by the users who configure this function so that their browser of choice will pop up on the screen. The purpose of the test is to determine if the application works correctly with that

browser.

4. Sapphire/Web uses browser applications in another way. The HTML editing tool included with Sapphire/Web enables a user to write HTML code. The user can hit a button to use a browser in order to see what the HTML code looks like when viewed through a browser. Once again, the user designates which browser to use.

5. Bluestone designed Sapphire/Web to be browser-agnostic so that users can use the browser they want to use and so that they do not have to switch browsers in order to use Sapphire/Web. Thus, as long as the user's computer has a browser on it, Sapphire/Web, including the testing functions, will work even if the computer does not have Internet Explorer on it. Sapphire/Web supports Internet Explorer, but does not rely upon it.

6. Bluestone does not bundle any browser applications with Sapphire/Web.

7. Bluestone does not distribute Sapphire/Web with the MSHTML.DLL service or any other services that are included with Internet Explorer. Bluestone has, however, bundled other services provided by Microsoft, such as services that support access to certain types of databases.

8. Bluestone distributes Sapphire/Web with a library of services acquired from third parties other than Microsoft. For example, Sapphire/Web is distributed with libraries from Oracle and Sybase that provide the functionality necessary for access to Oracle and Sybase databases. These libraries are not part of the operating system.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Mt Laurel, NJ on Nov. 19, 1997.

Robert Bickel