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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (TPJ)

STATE OF NEW YORK *ex rel.*
Attorney General DENNIS C. VACCO, *et al.*,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

FILED UNDER SEAL
(Seal removed pursuant to
court's
October 14, 1998 Order

Civil Action No. 98-1233 (TPJ)

DIRECT TESTIMONY OF GLENN E. WEADOCK

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I. OVERVIEW

1. I am providing this testimony based on substantial experience working with, teaching about, and writing about Microsoft operating system and application products,

and on my conversations with computer managers in large organizations, deposition testimony, and documents in connection with this case. The major points discussed in this testimony are as follows:

- **It is difficult to define software products according to any specific grouping of files. Software products are typically defined according to their features.**
- **Organizations generally have different needs for browser products, which they view as applications, and operating system products.**
- **Whereas all organizations using computers need operating systems, some wish to have no browsers deployed to some or all users.**
- **Many organizations wish to use browser products and have compelling reasons to standardize on a single such product, but want to select that product independently of any particular operating system.**
- **Many organizations, having standardized on Windows 95 for a large portion of their operating system needs, have sought, at some cost, to remove Internet Explorer from their PCs by either deleting the means of access to Internet Explorer or standardizing on the original version of Windows 95, which did not come with Internet Explorer at all.**
- **Some organizations, having moved to Windows 98 or considering doing so, are confronted with the inability to remove Internet Explorer from the operating system, and accordingly view themselves as having little or no choice but to standardize on Internet Explorer.**

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II. BACKGROUND AND QUALIFICATIONS

2. I am a seminar developer, seminar instructor, author of computer books and videos, and computer consultant. My computer knowledge is a combination of education, years of hands-on experience, and thousands of discussions in formal and informal settings with other computer users. I am President of Independent Software, Inc., in

Golden, Colorado, a company I co-founded in 1982.

3. Over the years, my consulting activities have covered a wide range of computing topics, including hardware platforms and software environments. My early consulting practice focused on custom programming and system integration. Later, I focused on technical support and microcomputer networking in organizations of all sizes. Recently, writing and teaching have occupied more of my time than consulting. I have submitted my *curriculum vitae* to the Court as Government Exhibit 1177.

4. In the seminar field, I have developed seminars about Windows 3.1, Windows 95, and Windows 98, networking PCs, and Help Desks (*i.e.*, technical computer support groups inside medium to large organizations), and have led technical seminars throughout the United States, Canada, and the United Kingdom, in association with Data-Tech Institute, since 1988.

5. I am the author or coauthor of the following books: *Bulletproofing Windows 98* (McGraw-Hill, October 1998); *Windows 98 Registry For Dummies* (IDG, 1998); *Windows 95 Registry For Dummies* (IDG, 1995); *Small Business Networking For Dummies* (IDG, 1998); *Intranet Publishing For Dummies* (IDG, 1997); *Bulletproofing Windows 95* (McGraw-Hill, 1997); *Creating Cool PowerPoint 97 Presentations* (IDG,

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1997); *Bulletproofing Client/Server Systems* (McGraw-Hill, 1997); *Bulletproofing NetWare* (McGraw-Hill, 1996); *Bulletproof Your PC Network* (McGraw-Hill, 1996); and

Exploding the Computer Myth (Wiley, 1995). I have also written several articles in computer and business magazines, and I have been interviewed by *Computerworld*, *MacWeek*, and *Inc.* magazines on business computing issues.

6. As a video author, I have developed several long-format technical computer videos on subjects including Windows 95 and Help Desk management. I also contributed to the development of several Internet-related computer videos.

7. I am a Microsoft Certified Professional, certified specifically as a Windows 95 Product Specialist, Windows 95 Migration Specialist, and Windows 3.1 Product Specialist. I also have participated and am currently participating in a number of beta test programs (*i.e.*, programs in which the creator of software products distributes pre-release versions of products to a limited set of users for testing, experimentation, and feedback), including Windows 98 and Windows NT 5.0. My current professional memberships include the American Society for Training and Development and the Association for Computing Machinery.

8. I hold a Bachelor of Science in General Engineering from Stanford University, where I graduated with distinction in 1980. My course of study included computer science courses and engineering courses requiring computer programming. I have continued my technical education since then by attending seminars and courses on

Windows, networking, programming, communications, and the Internet.

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9. In October 1997, the Department of Justice asked me to provide consulting services regarding Windows 95 and Internet Explorer. I have since provided services ranging from explaining features of Windows and Internet Explorer to performing experiments and tests with those products, and other products, regarding features, design, removability, compatibility, and the user interface. I directed the creation of a videodisc used in the January 13, 1998 contempt hearing, and testified in that hearing as to the results of my tests. I have provided information and commentary to DOJ regarding corporate and end-user computing issues, as much of my writing, teaching, and consulting concerns those subjects. I have commented on filed documents (briefs and depositions) in order to clarify technical issues and provide insight relating to end user and corporate concerns with regard to operating system, browser, and other software products.

10. This testimony relies upon the following sources of information:

- My sixteen years' experience in the computer industry, including my own work with the Internet and multiple versions of Microsoft's Windows operating system products;
- Research that I have done in the course of writing eleven books, six seminars, and four videos;
- Thousands of articles and books that I have read about computing and computers;
- Conversations, both in person and by e-mail, that I have had with Windows software developers;
- Conversations that I have had in seminar and consulting settings with hundreds of computer professionals who work in the Windows and Internet fields, particularly

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with regard to issues of support and management of networks of computer users in large- and medium-sized organizations;

- Interviews with corporate PC managers in which I have participated at the request of the Justice Department;

- Summaries of interviews that DOJ representatives have conducted of corporate PC managers;
- Research and experimentation done at the request of DOJ with different versions of Windows 95, Windows 98, Internet Explorer, and other software products;
- My review of documents and deposition testimony (of Microsoft employees and other witnesses) in the months prior to this trial; and
- My own experiences in custom, non-commercial application software development.

11. The interviews in which I have participated at the request of the Justice Department included top-level technology managers (Chief Information Officers, Vice Presidents of Information Services, and the like) from the following organizations:¹ American Stores; Citibank; ConAgra; Federal Express; Florida Department of Revenue; GE Supply; Informix; J.C. Penney; Liberty Corporation; Playboy; Morgan Stanley/Dean Witter; Sabre Group; and US Steel Group. The total number of PCs under management by the individuals I spoke with is approximately 246,500.

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12. The conversations that were summarized for me by the Justice Department included top-level technology managers from the following organizations: Boeing; Chrysler; Ford; John Deere; and Motorola. The total number of PCs under management by the individuals in this group is approximately 366,000.

III. DEFINING SOFTWARE PRODUCTS

- A. Given the different ways that software products can be compartmentalized into files, the most reliable and useful definition for a software product is that product's feature set.**

13. Software is among the most abstract and difficult products to understand and to define. Given the fact, as I discuss in greater detail below, that software developers can commingle code units (subroutines) with other, unrelated code units into a single DLL file on disk, it is more appropriate, natural, and intuitive, to think of the meaning of "software product" as a feature set -- that is, what the user sees -- than as a fixed set of files.

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