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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GOVERNMENT EXHIBIT
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PENGAD-Bayonne, N. J.

1 (DEPOSITION EXCERPTS OF MICHAEL L. DERTOUZOS.)
2 Q. SO, LET'S START WITH THE FIRST CONTACT
3 IN APPROXIMATELY MAY OF 1998.
4 CAN YOU RECALL IN WORDS OR SUBSTANCE
5 WHAT WAS DISCUSSED IN THAT TELEPHONE CALL?
6 A. I WAS ASKED IF I WOULD TESTIFY ON
7 BEHALF OF MICROSOFT AS AN EXPERT WITNESS IN THIS
8 TRIAL.
9 Q. DID YOU ANSWER YES OR NO AS TO WHETHER
10 OR NOT YOU WOULD TESTIFY ON BEHALF OF MICROSOFT
11 IN THIS TRIAL?
12 A. I DID ANSWER NO, THAT I WOULD NOT.
13 Q. WHY DID YOU ANSWER NO, THAT YOU WOULD
14 NOT TESTIFY ON BEHALF OF MICROSOFT IN MAY OF
15 1998?
16 A. BECAUSE I DID NOT WISH TO TESTIFY ON
17 BEHALF OF THE PRACTICES OF ANY PARTY. I VALUE MY
18 INDEPENDENCE.
19 Q. THE FIRST--THE NEXT CONVERSATION I
20 BELIEVE YOU SAID YOU HAD WAS IN LATE AUGUST OR
21 EARLY SEPTEMBER WITH MR. EDELMAN.
22 DO YOU RECALL IN WORDS OR SUBSTANCE
23 WHAT OCCURRED IN THAT TELEPHONE CONVERSATION?
24 A. YES. I HAD, BY THEN, AGREED TO TESTIFY
25 AND HAD FILLED SOME ANSWERS TO A QUESTIONNAIRE

1 SENT TO ME BY MR. SULLIVAN, MY ATTORNEY. AND
2 MR. EDELMAN CALLED AND WENT OVER MY ANSWERS
3 ASKING FOR CLARIFICATIONS AND ASKING ME IF I
4 MEANT THIS OR THAT, TO WHICH I RESPONDED.
5 Q. IN YOUR LAST ANSWER, YOU SAID, BY THE
6 TIME OF THIS TELEPHONE CALL WITH MR. EDELMAN IN
7 LATE AUGUST OR EARLY SEPTEMBER OF 1998, YOU HAD
8 DECIDED THAT YOU WOULD TESTIFY ON BEHALF OF
9 MICROSOFT. WHAT HAPPENED TO CHANGE YOUR MIND?
10 A. BILL GATES CALLED ME IN THE SUMMER AT
11 THE BEGINNING OF JULY '98, ASKED ME IF I WOULD
12 TESTIFY. I REPEATED MY CONCERNS AND
13 TREPIDATIONS, AND HE INDICATED THAT HE WAS
14 INTERESTED IN MY TESTIFYING ON A VERY NARROW
15 ISSUE ABOUT WHICH I HAD ALREADY WRITTEN, NAMELY
16 THE BROWSER AND OPERATING SYSTEMS COMMANDS AS
17 SEEN BY THE USER BECOMING INCREASINGLY BLURRED IN
18 THE FUTURE.
19 WE HAD A DISCUSSION IN WHICH I TOLD HIM
20 THAT IF I WERE TO TESTIFY, I WOULD HAVE SOME
21 ADDITIONAL REQUIREMENTS IN ORDER TO RETAIN MY
22 INDEPENDENCE.
23 Q. WHAT WERE THOSE ADDITIONAL
24 REQUIREMENTS?
25 A. I WOULD TESTIFY WITHOUT COMPENSATION.

1 I WOULD LIMIT MY TESTIMONY TO THAT NARROW ISSUE,
2 AND ONLY THAT ISSUE. I WOULD LIKE TO BEHAVE AND
3 BE TREATED AS A JUDGE'S WITNESS RATHER THAN AS
4 MICROSOFT'S WITNESS IN THE EUROPEAN TRADITION OF
5 BEING NEUTRAL.
6 Q. WHY WAS IT IMPORTANT TO YOU TO BE
7 TREATED AS A JUDGE'S WITNESS AS--
8 A. EXCUSE ME, AND ONE MORE CONDITION. AND
9 I DID NOT WANT TO BE PREPARED IN ANY WAY BY
10 MICROSOFT ATTORNEYS.
11 Q. WHY WAS IT IMPORTANT FOR YOU TO BE
12 TREATED AS THE JUDGE'S WITNESS?
13 A. BECAUSE I REALLY WANTED TO BRING TO THE
14 ATTENTION OF THE COURT AN ISSUE THAT I CONSIDER
15 VERY IMPORTANT FOR THE COURT'S CONSIDERATION, AND
16 I WANTED TO BRING THIS ISSUE TO THE ATTENTION OF
17 THE COURT WITHOUT BECOMING ENGAGED IN WHAT IS MY
18 PERCEPTION OF CONVENTIONAL EXPERT WITNESS
19 PRACTICES, NAMELY THE PREPARATION OF WITNESSES BY
20 THE SIDE ON WHICH THEY TESTIFY AND THE SUBSEQUENT
21 CRITIQUE OF THE PROCEDURES AND PRACTICES OF THAT
22 SIDE OR THE OTHER SIDE. THIS WAS OF NO INTEREST
23 WHATSOEVER TO ME.
24 WHAT WAS OF INTEREST TO ME WAS MAKING
25 THE COURT AWARE OF THIS KEY ISSUE WHICH I THINK

1 IS MATERIAL TO THE FUTURE OF INFORMATION
2 TECHNOLOGY AS IT WILL BE USED INCREASINGLY BY
3 PEOPLE AROUND THE WORLD.
4 Q. WHAT IS THE KEY ISSUE?
5 A. THE KEY ISSUE IS THAT THE MOST
6 IMPORTANT THING, FROM MY PERSPECTIVE, FOR ALMOST
7 THE NEXT CENTURY IS THE EASE OF USE OF COMPUTER
8 SYSTEMS BY PEOPLE SO THAT THEY MAY ACHIEVE
9 PRODUCTIVITY INCREASES, AND I MEAN HUMAN
10 PRODUCTIVITY INCREASES, WHICH I ESTIMATE TO BE
11 COMPARABLE TO THOSE ACHIEVED IN THE INDUSTRIAL
12 REVOLUTION.
13 TO DO THIS, USERS OF TOMORROW'S SYSTEMS
14 SHOULD HAVE TO DEAL WITH A RELATIVELY SMALL SET
15 OF COMMANDS, A STEERING WHEEL, A GAS PEDAL, AND A
16 BRAKE, SO TO SPEAK, OF INFORMATION SYSTEMS THAT
17 THEY CAN COUNT ON WILL DO THE THINGS THEY WANT TO
18 DO WITH INFORMATION.
19 AND THE KEY ISSUE THAT I WISH TO BRING
20 TO THE COURT'S ATTENTION IS THAT PEOPLE WANT TO
21 DO BASICALLY THE SAME FEW THINGS WITH INFORMATION
22 REGARDLESS OF WHETHER IT IS LOCAL INFORMATION
23 WITHIN THEIR COMPUTER OR DISTANT INFORMATION IN
24 THE WORLD'S INTERCONNECTED COMPUTERS ACCESSIBLE
25 THROUGH THE WEB AND THE INTERNET.

1 THEREFORE, IT IS IMPORTANT, FOR THESE
2 REASONS, THAT THE FEW THINGS THAT PEOPLE WILL DO
3 WITH INFORMATION, EITHER LOCALLY OR AT A
4 DISTANCE, BE CONSISTENT, FEW IN NUMBER, AND
5 SIMPLE.
6 Q. WE'LL GET BACK TO MORE ON THAT LATER.
7 YOU MENTIONED THAT YOU ANSWERED SOME,
8 OR FILLED IN SOME QUESTIONS, AND MR. EDELMAN
9 CALLED YOU TO TALK ABOUT THAT.
10 DO YOU RECALL WHAT QUESTIONS YOU
11 ANSWERED?
12 A. MY RECOLLECTION IS THAT MR. EDELMAN
13 SENT SOME INFORMATION TO MY ATTORNEY,
14 MR. SULLIVAN, AND MR. SULLIVAN AND I DECIDED THAT
15 HE, MR. SULLIVAN, WOULD CONVERT THAT INFORMATION
16 TO QUESTIONS SO THAT I COULD RETAIN MY
17 INDEPENDENCE, AND THEN I ANSWERED THE QUESTIONS
18 THE WAY I WANTED TO. AND THERE WERE A VARIETY OF
19 QUESTIONS ON THIS NARROW ISSUE.
20 Q. DO YOU RECALL ANYTHING SPECIFIC ABOUT
21 ANY OF THE QUESTIONS?
22 A. NO.
23 Q. DO YOU RECALL, IN SUBSTANCE, WHAT ANY
24 OF THE QUESTIONS WERE?
25 A. THEY HAD TO DO WITH THE NARROW ISSUE

1 THAT I JUST EXPLAINED OF THE BLURRING OR
2 COMMONALITY OF THE COMMANDS FOR LOCAL AND DISTANT
3 INFORMATION IN ORDER TO INCREASE HUMAN
4 PRODUCTIVITY. AND THEY WERE BASED, TO A LARGE
5 EXTENT, ON MY WRITINGS, AND WE HAD AGREED IT
6 WOULD BE THE BASIS FOR MY TESTIMONY.
7 Q. YOU SAID THAT MR. EDELMAN CALLED YOU TO
8 DISCUSS THOSE QUESTIONS.
9 DO YOU REMEMBER, IN WORDS OR SUBSTANCE,
10 WHAT WAS DISCUSSED IN THAT TELEPHONE CONVERSATION
11 WITH MR. EDELMAN?
12 A. I DON'T REMEMBER EXACT DISCUSSIONS, NO.
13 Q. AND THEN YOU ALSO SAID THAT YOU MET
14 WITH MR. EDELMAN YESTERDAY FOR ABOUT A HALF HOUR.
15 DO YOU RECALL WHAT WAS DISCUSSED
16 YESTERDAY WITH MR. EDELMAN?
17 A. HE EXPLAINED THE DEPOSITION PROCEDURE
18 TO ME, AND ADVISED ME TO TELL THE TRUTH.
19 Q. DID HE GIVE YOU ANY OTHER ADVICE ABOUT
20 THE DEPOSITION?
21 A. NO.
22 Q. DO YOU RECALL WHAT HE TOLD YOU ABOUT
23 THE DEPOSITION?
24 A. ESSENTIALLY WHAT YOU TOLD ME AT THE
25 BEGINNING OF YOUR REMARKS.

1 (EXCERPT.)

2 Q. IS A BROWSER AN APPLICATION?

3 A. HISTORICALLY AND TODAY, IT IS THE CASE

4 THAT BROWSERS ARE TREATED AS APPLICATIONS, YES.

5 (EXCERPT.)

6 Q. OKAY. HAVE YOU EVER EXPRESSED AN

7 OPINION ABOUT INTEGRATION OF BROWSERS INTO

8 OPERATING SYSTEMS?

9 A. WELL, IT'S CONSISTENT WITH MY VIEW THAT

10 THE KINDS OF THINGS YOU WANT TO DO WITH LOCAL AND

11 DISTANT INFORMATION HAVE TO BE DONE UNIFORMLY

12 WITH A SIMILAR AND IDENTICAL SET OF TOOLS. I

13 HAVE CERTAINLY THOUGHT ABOUT, BUT NOT IN A STUDY

14 WAY, HOW THIS MIGHT HAPPEN.

15 I AM NOT REALLY INTERESTED IN HOW IT

16 MIGHT HAPPEN. IT COULD HAPPEN BY A SHARED FRONT

17 END. IT COULD HAPPEN THROUGH SHARED MIDDLE LEVEL

18 GRANULARITY MODULES. IT COULD HAPPEN THROUGH THE

19 DESIGN OF AN ENTIRELY NEW SYSTEM. IT COULD

20 HAPPEN THROUGH AN OPERATING SYSTEM ACQUIRING THE

21 FUNCTIONALITY OF A BROWSER. IT COULD HAPPEN

22 THROUGH A BROWSER ACQUIRING THE FUNCTIONALITY OF

23 AN OPERATING SYSTEM. AND PARTS OF THESE COULD BE

24 LEFT AS APPLICATIONS AND PARTS COULD BE ABSORBED

25 LOWER AND CLOSER TO THE MACHINE AND THE NETWORK.

1 THERE ARE A LOT OF POSSIBILITIES THERE.
2 AND I TRULY AM NOT INTERESTED ON HOW THIS WILL
3 HAPPEN, BUT I REALLY KNOW IT HAS TO HAPPEN. AND
4 I WANT IT TO HAPPEN FOR PEOPLE TO HAVE THE EASE
5 OF USE AND PRODUCTIVITY INCREASES I MENTIONED.
6 Q. TAKING YOU THROUGH THE FOUR
7 POSSIBILITIES THAT YOU JUST LISTED, WITH REGARD
8 TO THE FIRST SHARED FRONT END, WHAT DO YOU MEAN
9 BY SHARED FRONT END?
10 A. WELL, THERE ARE WAYS OF CONSTRUCTING
11 SOFTWARE SYSTEMS OF ASSIGNING THE MODULARITY OF
12 THE INNER PIECES IN SUCH A WAY THAT WHAT THE USER
13 SEES IS SHARED BY TWO, FOR EXAMPLE, BY TWO PIECES
14 OF WHICH ARE OTHERWISE INDEPENDENT. THAT'S WHAT
15 I MEANT BY THAT.
16 Q. SO THE END USER, SEEING ONE FRONT END
17 REGARDLESS OF WHETHER OR NOT THERE ARE TWO OR
18 THREE OR FOUR PIECES BEHIND THAT FRONT END, WOULD
19 ACCOMPLISH THE GOAL THAT YOU'RE TALKING ABOUT?
20 MR. EDELMAN: OBJECT TO THE FORM.
21 THE WITNESS: IT'S ONE OF THE WAYS, ONE
22 OF THE WAYS THAT MIGHT ACCOMPLISH THE GOAL.
23 SOFTWARE DESIGN IS STILL AN EXTREMELY PRIMITIVE
24 ACTIVITY BASED PRIMARILY ON ART AND CRAFT AND
25 SECONDARILY ON SYSTEMATIC APPROACHES.

1 SO, DEPENDING ON THE DESIGNER'S
2 INSPIRATION, MINDSET AND APPROACH, ONE OF THESE
3 APPROACHES MIGHT TURN OUT TO BE THE BEST.
4 (EXCERPT.)
5 Q. AS AN END USER OF INTERNET EXPLORER AND
6 WINDOWS 95, DID YOU PERCEIVE ANY NEGATIVE RESULTS
7 OR ANYTHING THAT YOU DIDN'T LIKE BY VIRTUE OF THE
8 FACT THAT INTERNET EXPLORER IS INTEGRATED INTO
9 WINDOWS 95?
10 A. NO.
11 (EXCERPT.)
12 Q. ON WHAT DO YOU BASE YOUR OPINION THAT,
13 TODAY, PEOPLE HAVE TO USE DIFFERENT TOOLS TO
14 HANDLE INFORMATION DEPENDING ON WHERE IT IS
15 STORED?
16 A. BY OBSERVING THE SCENE OF AVAILABLE
17 PRODUCTS.
18 Q. AND WHAT AVAILABLE PRODUCTS ARE YOU
19 TALKING ABOUT?
20 A. WE ARE LOOKING AT BROWSERS WHICH CAME
21 SOME 30 OR 40 YEARS AFTER OPERATING SYSTEMS, AND,
22 AS A RESULT, HAVE A COMMAND SET THAT IS VERY
23 DIFFERENT THAN THAT OF OPERATING SYSTEMS. SO I'M
24 TALKING ABOUT THE DIFFERENCES BETWEEN ALL
25 BROWSERS ON ONE HAND AND ALL THE OPERATING

1 SYSTEMS AS SEEN BY THE USER ON THE OTHER.
2 (EXCERPT.)
3 Q. AT THE END OF PARAGRAPH THREE, YOU SAY,
4 "HUMAN PRODUCTIVITY WOULD BE INCREASED IF PEOPLE
5 DID NOT HAVE TO USE DIFFERENT TOOLS TO ACCESS
6 LOCALLY STORED INFORMATION, E.G., INFORMATION
7 STORED ON THE HARD DISK OF THEIR PERSONAL
8 COMPUTERS, AS OPPOSED TO REMOTELY STORED
9 INFORMATION, E.G., INFORMATION ON CORPORATE
10 NETWORKS OR THE INTERNET."
11 MY FIRST QUESTION IS: DOES THE
12 COMBINATION OF WINDOWS AND INTERNET EXPLORER
13 ACCOMPLISH THE GOAL THAT'S DESCRIBED IN THIS
14 PARAGRAPH?
15 A. WHICH GOAL?
16 Q. THE GOAL OF NOT HAVING TO USE DIFFERENT
17 TOOLS TO ACCESS LOCALLY STORED INFORMATION AND
18 REMOTELY STORED INFORMATION.
19 A. I AM NOT PREPARED TO OPINE ABOUT THE
20 INNARDS OF ANY OF THESE SYSTEMS TODAY AS TO HOW
21 WELL THEY DO ONE THING OR ANOTHER.
22 HOWEVER, IF YOU LOOK AT ALL OF THEM,
23 THERE IS A DEFINITE DIFFERENCE BETWEEN THE
24 COMMANDS USED BY BROWSERS AND THE COMMANDS USED
25 BY OPERATING SYSTEMS. THESE ARE TWO DIFFERENT

1 WORLDS THAT ARE ALWAYS IN TWO DIFFERENT
2 HISTORICAL CONTEXTS. AND THEY ARE PRESENTING
3 DIFFICULTIES TODAY, WHICH I WOULD LIKE TO SEE GO
4 AWAY IN THE FUTURE.
5 Q. I EXPECT THAT YOU'LL HAVE THE SAME
6 ANSWER, BUT LET ME ASK YOU: DO YOU KNOW IF THE
7 COMBINATION OF WINDOWS AND ANY NETSCAPE PRODUCTS
8 ACCOMPLISHES THE GOAL OF ELIMINATING THIS USE OF
9 DIFFERENT TOOLS?
10 A. I HAVE NO OPINION ON THAT, EITHER.
11 Q. DO YOU HAVE AN OPINION AS TO WHETHER OR
12 NOT THE COMBINATION OF INTERNET EXPLORERS WITH
13 WINDOWS DOES A BETTER OR WORSE JOB THAN THE
14 COMBINATION OF NETSCAPE PRODUCTS WITH WINDOWS?
15 A. NO OPINION.
16 Q. TO ACCOMPLISH THIS GOAL OF NOT HAVING
17 TO USE DIFFERENT TOOLS, IS IT NECESSARY THAT ONE
18 COMPANY SELL THE ENTIRETY OF THE SET OF TOOLS TO
19 ACCOMPLISH THAT GOAL?
20 A. I HAVE NO OPINION ABOUT THAT.
21 Q. TURNING TO PARAGRAPH FOUR OF YOUR
22 REPORT, IT STARTS OUT, THE EXPLOSIVE GROWTH OF
23 THE WEB/INTERNET WAS MADE POSSIBLE IN LARGE PART
24 BY ITS EASE OF USE--PEOPLE WOULD EASILY AND
25 RAPIDLY LEARN THE SIMPLE NAVIGATIONAL METHOD OF

1 CLICKING ON A PHRASE OR IMAGE AND, AS A RESULT,
2 VIEWING A PAGE IN A DISTANT COMPUTER, REGARDLESS
3 OF WHAT COMPUTER THEY USED OR WAS USED TO STORE
4 THE SOUGHT AFTER INFORMATION.
5 DID NETSCAPE'S PRODUCTS CONTRIBUTE TO
6 THIS EXPLOSIVE GROWTH OF THE WEB/INTERNET AS YOU
7 DESCRIBE IT HERE IN PARAGRAPH FOUR?
8 A. I BELIEVE THEY DID, YES.
9 Q. AND IN WHAT WAY DID THE NETSCAPE
10 PRODUCTS CONTRIBUTE TO THIS EXPLOSIVE GROWTH OF
11 THE WEB?
12 A. THEY CONTRIBUTED IN THE SAME SENSE AS
13 EVERY OTHER BROWSER PRODUCT BY MAKING IT POSSIBLE
14 FOR PEOPLE TO DO TWO THINGS; FIRST, ON THE PART
15 OF CONSUMER, IF YOU WISH, TO BE ABLE TO REACH
16 WHAT BECAME EVENTUALLY MILLIONS OF DIFFERENT
17 INFORMATION AMONG WHICH PEOPLE FOUND INTEREST, SO
18 IT CREATED AN INTEREST ON THE CONSUMER PART,
19 SIDE; AND SECOND, BY MAKING IT POSSIBLE AT THE
20 PRODUCER'S SIDE TO GIVE PEOPLE AND ORGANIZATIONS
21 AN OUTLET WHERE THEY COULD EXHIBIT THEIR WARES
22 AND BE SEEN BY MILLIONS OF OTHER PEOPLE.
23 COUNTING ON THE HUMAN PROPERTY, OR WANTING TO BE
24 SEEN, THE SIMPLICITY OF THE WEB METAPHOR, CLICK
25 AND OPEN A PAGE, WAS REALLY THE KEY.

1 PEOPLE DIDN'T HAVE TO LEARN ALL KINDS
2 OF ARCANE LANGUAGES, BUT AS I SAID, A VERY SMALL
3 SET OF SIMPLE COMMANDS. AND ARMED WITH THAT,
4 THEY COULD DO A LOT, NOT ENOUGH FOR WHAT IS
5 COMING IN THE FUTURE, BUT ENOUGH COMPARED TO THE
6 PAST. AND THAT'S WHAT CONTRIBUTED, IN MY
7 OPINION, TO THE EXPLOSIVE GROWTH.
8 (EXCERPT.)
9 Q. THE NEXT PARAGRAPH OF YOUR REPORT,
10 PARAGRAPH FIVE, STARTS OUT BY SAYING, THE
11 BROWSERS ASSOCIATED WITH THE WEB/INTERNET AND THE
12 OPERATING SYSTEMS IN USE UNTIL RECENTLY HAVE NOW
13 BEGUN BENDING TOWARD EACH OTHER.
14 MY FIRST QUESTION IS: WHAT DO YOU MEAN
15 BY OPERATING SYSTEMS IN USE UNTIL RECENTLY?
16 A. I MEAN THE FACT THAT ADDITIONAL
17 OPERATING SYSTEMS THAT WE'VE HAD, AND INCLUDING
18 ALL THE WAY UP TO HERE, BUT SINCE THE BENDING HAS
19 BECOME, THEY WERE ALREADY BENDING. SO TODAY'S
20 SYSTEMS HAVE BENDING A LITTLE MORE IN THE
21 DIRECTION OF THE NETWORKS. THEY HAVE MORE OF THE
22 TCP/IP COGNIZANCE WITHIN THEM AND SO ON THAN THEY
23 DID TEN YEARS AGO.
24 Q. I GUESS, WITHIN THAT PHRASE, MY
25 QUESTION REALLY FOCUSES ON THE WORD UNTIL, OR IN

1 USE UNTIL RECENTLY, AND SO--

2 A. THAT IS SUPPOSED TO SIGNIFY THAT THE

3 RECENTLY IS WHEN THE PRESSURES OF THE BENDING HAS

4 STARTED. SO IT'S MERELY A RESTATEMENT OF THE

5 FACT THAT THERE IS A BENDING IN PROGRESS.

6 (EXCERPT.)

7 Q. WHAT DO YOU MEAN BY HAVE BEGUN BENDING

8 TOWARD EACH OTHER?

9 A. ACQUIRING EACH OTHER'S FUNCTIONALITY,

10 HABITS, APPROACHES. FOR EXAMPLE, WE'RE BEGINNING

11 TO SEE BROWSERS NEEDING TO DO MORE THAN JUST OPEN

12 A PAGE AND LET YOU READ IT, WHICH IS HOW IT ALL

13 STARTED. NOW THERE ARE DOWNLOADS, UPLOADS,

14 EXECUTIONS. SO A LOT OF THE FUNCTIONALITY

15 PREVIOUSLY RESERVED FOR A COMPUTER IS MIGRATING

16 TO THE BROWSER BECAUSE OF WHAT I SAID EARLIER,

17 THAT PEOPLE WANT TO DO THE SAME RELATIVELY FEW

18 THINGS WITH INFORMATION, AND THEY'RE APPLYING

19 MARKET PRESSURES, WHICH I THINK WE SEE AS THIS

20 BENDING.

21 CONVERSELY, PEOPLE ARE FINDING THE WEB

22 METAPHOR VERY, VERY EASY TO USE, AND I KNOW OF

23 SEVERAL INSTANCES WHERE PEOPLE OPT FOR THAT

24 APPROACH EVEN IN DEALING WITH INFORMATION WITHIN

25 THEIR OWN SYSTEM, OR WITHIN A LOCAL CORPORATE

1 NETWORK.

2 I REMARK ON PHYSICIANS USING THE WEB TO
3 ACCESS SOME 100 PARAMETERS ON THE HEALTH RECORDS
4 OF THEIR PATIENTS, AND DOING IT VIA THE WEB,
5 HIDES FROM THEM ALL THE COMPLEXITIES OF THE
6 LEGACY SYSTEMS FROM WHICH THIS INFORMATION IS
7 DRAWN.

8 SO WE SEE THIS BENDING, THE LOCAL
9 INFORMATION, OPERATING SYSTEMS, ACQUIRING WEB
10 BROWSER FUNCTIONALITIES, AND FROM THE OTHER SIDE,
11 WE SEE THE WEB BROWSER ACQUIRING EXECUTION AND
12 INFORMATION, MOVING CAPABILITIES FROM THE
13 OPERATING SYSTEMS, AND THAT IS WHAT I MEAN BY
14 BENDING.

15 Q. AND IS IT YOUR OPINION THAT THAT
16 BENDING IS OCCURRING IN RESPONSE TO MARKET
17 PRESSURES?

18 A. I BELIEVE IT IS OCCURRING AS A NATURAL
19 RESPONSE OF THE MARKET TO THE DEMAND BY PEOPLE TO
20 DO THE SAME FEW BASIC THINGS WITH INFORMATION
21 THAT I OUTLINED IN PARAGRAPH TWO OF MY OUTLINE.
22 (EXCERPT.)

23 Q. AND THE LAST TWO EXAMPLES THAT YOU JUST
24 GAVE, THE HYPERTEXT MODELS AND THE CORPORATE
25 INTRANETS, ARE EITHER OF THOSE EXAMPLES OF THE

1 OPERATING SYSTEM BENDING TOWARD THE BROWSER, THE
2 BROWSER BENDING TOWARD THE OPERATING SYSTEM, OR,
3 AS WITH REGARD TO THE PHYSICIAN, TRADITIONAL
4 COMPUTER SYSTEMS BENDING TOWARD BROWSERS?
5 A. WELL, LET ME DESCRIBE THESE AS
6 PRESSURES, BECAUSE IT'S A MORE ACCURATE
7 DESCRIPTION.
8 OPERATING SYSTEMS ARE LIVE. THEY
9 CHANGE WITH TIME, AND THEY REFLECT THE NEED FOR
10 COMMON FUNCTIONALITY. SO, AS THESE PRESSURES
11 COME ABOUT, IN WHATEVER FORM, FOR PEOPLE TO USE
12 ON THEIR LOCAL COMPUTERS BROWSER CAPABILITIES OR
13 POINT-AND-CLICK METAPHORS, THOSE BECOME PART,
14 NOW, OF THE PRESSURES FROM VARIOUS APPLICATIONS
15 REQUIRING TO BE SERVICED LOCALLY. AND AS THOSE
16 PRESSURES INCREASE, THE OPERATING SYSTEMS ACQUIRE
17 MORE FUNCTIONALITY TO HANDLE THESE CAPABILITIES.
18 THAT'S WHAT I MEAN BY BENDING. IT IS A PRESSURE
19 AND BENDING.
20 IN SOME CASES, THEY HAVE BENT ALREADY.
21 IN OTHER CASES, THEY ARE BENDING. AND WHAT I AM
22 GIVING YOU HERE IS A DESCRIPTION OF THESE
23 PRESSURES. AND THESE ARE ALL ON THE OPERATING
24 SYSTEMS EXPERIENCING THE BROWSER PHENOMENON AND
25 ALTERING THEMSELVES, BENDING TOWARD THE BROWSER

1 PHENOMENON.

2 Q. YOU JUST SAID THAT SOME HAVE ALREADY

3 DONE THAT AND OTHERS ARE GOING TO DO THAT. CAN

4 YOU GIVE ME AN EXAMPLE--

5 A. WELL, IN MAC OS, YOU FIND ALREADY, FOR

6 EXAMPLE, DRIVERS FOR TCP/IP AND CAPABILITIES FOR

7 HANDLING ALL THAT HAVING MIGRATED IN THE

8 OPERATING SYSTEM. AND INCREASINGLY, WE WILL SEE

9 MORE OF THESE PRESSURES IN LOCAL SYSTEMS.

10 (EXCERPT.)

11 Q. OKAY. LET'S MOVE TO THE LAST PART OF

12 PARAGRAPH FIVE WHICH SAYS, "BROWSERS TOO HAVE

13 BEEN EVOLVING TOWARD OPERATING SYSTEMS, FOR

14 EXAMPLE, BY AUGMENTING THEIR INITIAL NAVIGATIONAL

15 CAPABILITIES WITH THE ABILITY TO EXECUTE

16 PROGRAMS."

17 AND MY FIRST QUESTION IS: HOW DO

18 BROWSERS ACCOMPLISH THIS ABILITY TO EXECUTE

19 PROGRAMS?

20 A. WELL, ORIGINALLY, BROWSERS APPEARED

21 WITH ONLY THE CLICKING ABILITY TO OPEN A DISTANT

22 PAGE. LATER, PLUG-INS WERE INTRODUCED, JAVA

23 APPLICATIONS WERE INTRODUCED, EXECUTABLE

24 PROGRAMS, SO THAT'S AN EXAMPLE OF EXECUTION.

25 DOWNLOADING AND UPLOADING WAS INTRODUCED SO THAT

1 ONE COULD, BY USING A BROWSER, MOVE INFORMATION
2 FROM ONE COMPUTER TO ANOTHER. AND IT IS MORE
3 THAN JUST EXECUTING.
4 WHAT I AM EXPLAINING HERE IS THAT OF
5 THOSE FEW THINGS THAT PEOPLE WANT TO DO WITH
6 INFORMATION THAT I MENTIONED IN PARAGRAPH TWO, A
7 WHOLE VARIETY OF THEM HAS APPEARED, AGAIN, AS
8 PRESSURES, BUT THIS TIME, ON THE BROWSER.
9 AND THE ORIGINAL BROWSERS WHICH THEY
10 ALL THEY COULD DO IS CLICK A DISTANT PAGE ALTERED
11 IN TIME TO BE ABLE TO DO THESE VARIOUS
12 CAPABILITIES.
13 (EXCERPT.)
14 Q. WHEN YOU SAY THIS MUTUAL BENDING OF
15 OPERATING SYSTEMS AND BROWSERS TOWARD EACH OTHER
16 IS THE MARKET'S RESPONSE TO THE HUMAN DESIRE TO
17 DO THE SAME FEW THINGS WITH INFORMATION
18 REGARDLESS OF WHERE THAT INFORMATION MAY RESIDE,
19 DO YOU AGREE, THEN, THAT SOFTWARE MANUFACTURERS
20 SHOULD RESPOND TO THE DEMANDS OF THE CONSUMERS?
21 A. I WOULD LIKE TO ANSWER THE LATTER PART
22 OF YOUR QUESTION. I DON'T UNDERSTAND WHY IT'S
23 LINKED TO THE FIRST PART, BUT THE LATTER PART
24 WILL INCLUDE IT.
25 I THINK SOFTWARE VENDORS SHOULD BE

1 RESPONSIVE TO THE WISHES OF PEOPLE, EXCEPT THAT
2 PEOPLE ARE USUALLY OFTEN INTERESTED IN JUST DOING
3 A LITTLE MORE WITH WHAT THEY'VE BEEN DOING SO
4 FAR, AND SOMETIMES A SOFTWARE VENDOR CAN
5 INTRODUCE A WHOLE NEW APPROACH WHICH PEOPLE HAD
6 NOT THOUGHT OF. SO THAT A LOT OF THE PROGRESS IN
7 THIS BUSINESS COMES NOT ONLY BY ADHERING TO
8 MARKET PRESSURES, BUT ALSO BY HAVING A VISION AND
9 INTRODUCING NEW METAPHORS AND NEW APPROACHES.
10 (EXCERPT.)
11 Q. PARAGRAPH SIX OF YOUR REPORT BEGINS
12 WITH THE SENTENCE, "THE DEMANDS OF THE
13 INFORMATION AGE AND THE INFORMATION MARKETPLACE,
14 MOST IMPORTANTLY THE NEED TO SIMPLIFY THE WAY IN
15 WHICH INFORMATION OF ALL TYPES IS ACCESSED AND
16 USED MAKE IT INEVITABLE THAT THE SAME TOOLS WILL
17 BE USED TO ACCESS LOCALLY AND REMOTELY STORED
18 INFORMATION."
19 MY FIRST QUESTION IS: SHOULD THESE
20 TOOLS DESCRIBED IN THIS FIRST SENTENCE OF
21 PARAGRAPH SIX BE DEVELOPED IN RESPONSE TO
22 CONSUMER DEMAND?
23 A. YES, THEY SHOULD BE DEVELOPED IN
24 RESPONSE TO CONSUMER DEMAND, AND THEY SHOULD ALSO
25 BE DEVELOPED AS MUCH OF THE INNOVATIVE SOFTWARE

1 HAS FROM VISIONARY PERSPECTIVES TO ENABLE NEW
2 CAPABILITIES.
3 (EXCERPT.)
4 Q. SHOULD--WITH REGARD TO THE TOOLS
5 DESCRIBED IN PARAGRAPH SIX, SHOULD CONSUMERS HAVE
6 A CHOICE OF WHAT TYPES OF TOOLS THEY WANT TO USE?
7 A. I HAVE REALLY NO OPINION IF THERE IS A
8 CHOICE AVAILABLE OF TOOLS OR NOT AS LONG AS THE
9 PEOPLE CAN HAVE A SIMPLE SET OF CONSISTENT TOOLS
10 FOR ACCESSING LOCAL AND DISTANT INFORMATION.
11 Q. WHEN YOU SAY YOU HAVE NO OPINION, DO
12 YOU MEAN THAT, WHETHER OR NOT CONSUMERS HAVE A
13 CHOICE IS NOT RELEVANT TO YOUR WISH TO DEVELOP
14 THESE TOOLS THAT WOULD ACCESS LOCAL--
15 A. I WOULD BE HAPPY EITHER WAY. I'M
16 SORRY.
17 (EXCERPT.)
18 A. WHAT I AM REALLY SAYING IS I WANT THE
19 CONSUMERS TO BENEFIT FROM THE FRUITS OF
20 SIMPLICITY SO THEY CAN INCREASE THEIR
21 PRODUCTIVITY. IF THAT IS THROUGH CHOICE, THAT'S
22 FINE. IF THE CHOICE IS MORE LIMITED OR BROADER,
23 FOR MY PURPOSES, THAT'S STILL FINE.
24 THE FOCUS AND THE KEY ISSUE I AM
25 BRINGING UP HERE IS THE TREMENDOUS GAINS THAT WE

1 MUST MAKE IN PRODUCTIVITY WHICH, IN TURN, REQUIRE
2 A BLURRING, A TURNING INTO COMMON THE TOOLS THAT
3 ACHIEVE THE SAME FEW THINGS WITH INFORMATION THAT
4 PEOPLE WANT TO DO.
5 (EXCERPT.)
6 Q. DO YOU AGREE THAT ONE POSSIBLE WAY TO
7 ACCOMPLISH THE GOAL OF HAVING A COMMON TOOL TO
8 ACCESS LOCAL AND REMOTE INFORMATION WOULD BE
9 THROUGH THE EXPANSION OF WHAT WE NOW KNOW AS
10 BROWSERS?
11 A. YES.
12 (EXCERPT.)
13 Q. I'M GOING TO HAND YOU A DOCUMENT THAT I
14 AM MARKING GOVERNMENT EXHIBIT 1077. I BELIEVE
15 THIS IS THE ARTICLE THAT YOU REVIEWED IN
16 PREPARATION FOR YOUR DEPOSITION; IS THAT CORRECT?
17 A. THAT IS CORRECT.
18 MS. DE MORY: AND FOR THE RECORD, THIS
19 IS THE TECHNOLOGY REVIEW ARTICLE DATED
20 JULY-AUGUST 1998, ENTITLED "THE PEOPLE'S
21 COMPUTER, TIME FOR FRESH AIR."
22 THE WITNESS: RIGHT.
23 BY MS. DE MORY:
24 Q. THE SECOND PARAGRAPH READS, "BY NOW,
25 DEVELOPERS HAVE REALIZED THIS AND HAVE BEGUN

1 COMBINING OPERATING SYSTEM SOFTWARE AND BROWSER
2 SOFTWARE, MOSTLY BY ADDING THE FEATURES OF ONE TO
3 THE FEATURES OF THE OTHER. THIS WILL RESULT IN A
4 TANGLE OF COMMANDS AND CONVENTIONS COVERED BY A
5 THIN COSMETIC INTERFACE VENEER TO MAKE US FEEL
6 GOOD. NO SUCH VENEER, HOWEVER, CAN HIDE THE
7 UNDERLYING DIFFERENCES OF DEALING WITH
8 INFORMATION."
9 WHY DID YOU SAY THAT NO SUCH VENEER CAN
10 HIDE THE UNDERLYING DIFFERENCES OF DEALING WITH
11 INFORMATION?
12 A. FIRST, MAY I REMARK, IN READING IT, YOU
13 LEFT OUT THE WORD "USER" IN USER INTERFACE.
14 Q. I APOLOGIZE.
15 A. "THIN COSMETIC USER INTERFACE." WOULD
16 YOU REPEAT THE QUESTION?
17 Q. SURE.
18 WHY DID YOU SAY THAT NO SUCH VENEER CAN
19 HIDE THE UNDERLYING DIFFERENCES OF DEALING WITH
20 INFORMATION?
21 A. YES. HERE IS WHAT I AM GOING FOR. IT
22 IS RELATIVELY EASY FOR A SOFTWARE MANUFACTURER,
23 BE THEY MICROSOFT OR NETSCAPE OR ANYBODY ELSE,
24 TO, IN EFFECT, COMBINE WHAT THE BROWSERS AND
25 OPERATING SYSTEMS DO, BUT IN A SUPERFICIAL OR

1 PERFUNCTORY MANNER, WHICH WOULD MAKE IT LOOK LIKE
2 IT'S ONE HAPPY FRONT END, BUT IN EFFECT, IT IS
3 THE UNION, THE ADDITION OF THE TWO OTHER WORLDS.
4 SO, IF YOU HAD ONE KIND OF CAR WHICH
5 HAD A STEERING WHEEL AND ANOTHER KIND OF CAR
6 WHICH HAD A JOY STICK TO BE STEERED, THEN THE NEW
7 CAR WOULD HAVE BOTH A STEERING WHEEL AND A JOY
8 STICK, IT WOULD BE CLAIMED TO BE A SINGLE
9 INTERFACE. BUT IT'S NOT. IT'S REALLY THE
10 COMBINED INTERFACES THAT WERE THERE BEFORE.
11 SO, WHAT I WAS TRYING TO DOWNPLAY HERE
12 IS THE TENDENCY TO DO A QUICK FIX AND JUST BLEND
13 SUPERFICIALLY ON THE SURFACE THESE THINGS. AND
14 WHAT I AM TRYING TO HIGHLIGHT IN THIS ARTICLE,
15 WHICH IS THE SENSE OF THIS WHOLE STATEMENT, IS
16 THE PROFOUND NEED WHICH I FEEL FOR A CLEAN, NEW
17 METAPHOR, IF YOU WISH, WHICH IS MY DREAM, OF A
18 FEW SIMPLE COMMANDS THAT WOULD LET PEOPLE DO WITH
19 INFORMATION WHAT THEY WANT TO DO REGARDLESS OF
20 WHERE IT IS.
21 Q. SO, THIS COMBINATION THAT YOU'VE
22 DESCRIBED, JUST DESCRIBED, IN YOUR MIND, OR IN
23 YOUR OPINION, IS INADEQUATE TO ACCOMPLISH THE
24 GOALS THAT YOU ARTICULATED IN YOUR REPORT?
25 A. WHICH COMBINATION?

1 Q. JUST YOU, IN YOUR LAST ANSWER, AND WE
2 CAN HAVE IT READ BACK, BUT IT WAS, IN YOUR LAST
3 ANSWER, YOU SAID, AND I DON'T WANT TO MISQUOTE
4 YOU, THAT THE COMBINATION OF THE BROWSER AND THE
5 OPERATING SYSTEM, THAT COMBINATION, IN YOUR
6 OPINION, IN THE WAY THAT YOU'VE JUST DESCRIBED IN
7 IT IN YOUR LAST ANSWER, IS INSUFFICIENT IN YOUR
8 MIND TO SOLVE THE GOALS THAT YOU DESCRIBE IN YOUR
9 REPORT; IS THAT CORRECT?
10 A. I AM NOT ADDRESSING A SPECIFIC BROWSER
11 OPERATING SYSTEM COMBINATION. I AM TRYING TO
12 ADMONISH SOFTWARE VENDORS AND MAKERS FROM TAKING
13 THAT EASY ROUTE.
14 Q. AND JUST SO THAT THE--I WAS NOT
15 ADDRESSING IT, EITHER, TO A SPECIFIC OPERATING
16 SYSTEM AND OPERATING SYSTEM VENDOR OR BROWSER
17 VENDOR OR ANY COMBINATION OF THEM.
18 A. YES.
19 Q. MY QUESTION IS SIMPLY: IN YOUR
20 OPINION, THE COMBINATION OF THE BROWSER AND THE
21 OPERATING SYSTEM IN THE WAY THAT YOU DESCRIBED IN
22 YOUR LAST ANSWER IS INADEQUATE, IN YOUR MIND, TO
23 ACCOMPLISH THE GOALS SET FORTH IN YOUR REPORT; IS
24 THAT CORRECT?
25 A. THAT IS CORRECT. IF THE COMBINATION IS

1 SUPERVISION AND PERFUNCTORY, BRINGING UP TO THE
2 SURFACE AND TO THE USER ALL THE COMPLEXITIES THAT
3 WERE THERE BEFORE IN THE TWO SYSTEMS BUT
4 COSMETICALLY DISGUISED TO APPEAR AS ONE, THEN I
5 DON'T THINK PROGRESS HAS BEEN MADE, AND I DON'T
6 THINK THE GOALS OF WHAT I AM ASKING HAVE BEEN
7 MET.
8 (EXCERPT.)
9 Q. WITHOUT SPECIFIC REFERENCE TO THESE, TO
10 THESE TWO EXHIBITS, FIRST, WHAT IS JAVA?
11 A. IT'S A LANGUAGE FOR WRITING PLATFORM
12 INDEPENDENT CODE FOR USE ON THE VARIOUS PLATFORMS
13 ON THE INFORMATION MARKETPLACE.
14 Q. SO, WHEN YOU SAID "PLATFORMS" IN THAT
15 ANSWER, DO YOU MEAN OPERATING SYSTEMS?
16 A. I MEAN COMPUTERS WITH THEIR OPERATING
17 SYSTEMS, YES.
18 Q. CAN JAVA ENABLE PROGRAMMERS TO WRITE
19 APPLICATIONS THAT WILL RUN ON MULTIPLE OPERATING
20 SYSTEMS?
21 A. IT SHOULD BE, YES.
22 Q. DO YOU ENVISION THAT JAVA AND
23 PROGRAMMING LANGUAGES LIKE JAVA WILL HELP BRING
24 ABOUT THE EASE OF USE AND TOOLS DESCRIBED IN YOUR
25 EXPERT REPORT?

1 A. NOT SO MUCH THE EASE OF USE AS I WOULD
2 EXPECT THEM TO BRING FORTH WHAT I WOULD CALL THE
3 AUTOMIZATION OR THE INCREASED AUTOMATION WHERE WE
4 FREE THE HUMAN BRAIN FROM THE BURDEN OF DOING ALL
5 THE WORK OURSELVES AND WE TRANSFER SOME OF THAT
6 SLAVISH WORK ON OUR MACHINES.
7 SO, TO ME, THESE KIND OF LANGUAGES
8 STAND TO BENEFIT US MOSTLY THROUGH MAKING THESE
9 AUTOMATED TRANSACTIONS BETWEEN MACHINES AND
10 REALITY IN THE FUTURE.
11 Q. AND WHAT ABOUT JAVA AND PROGRAMMING
12 LANGUAGES LIKE JAVA ALLOWS SOMEONE TO ACCOMPLISH
13 THE GOAL THAT YOU'VE JUST DESCRIBED?
14 A. THE AUTOMIZATION, YOU MEAN? YES, I
15 THINK THEY COULD HELP, INDEED. BUT AS I DESCRIBE
16 IN THE BOOK, IN THE BOOK WHAT WILL BE, AND IN
17 OTHER PLACES, THAT'S NOT ENOUGH. HAVING JAVA IS
18 LIKE HAVING, IN THE OLD DAYS, FORTRAN. IN
19 PRINCIPLE, YOU COULD HAVE WRITTEN SPREADSHEETS,
20 BUT NOBODY DID UNTIL MANY YEARS LATER. SO IT
21 TAKES MUCH MORE THAN JAVA OR LANGUAGES LIKE JAVA
22 TO ACHIEVE THE AUTOMATION THAT I AM TALKING
23 ABOUT.
24 Q. AND I GUESS, I THINK MAYBE YOU
25 MISUNDERSTOOD MY LAST QUESTION, WHICH WAS: WHAT

1 ABOUT JAVA MAKES IT CAPABLE OF ACHIEVING THAT
2 AUTOMIZATION?
3 A. WELL, THE ABILITY TO WRITE CODE THAT
4 EXECUTES IN DIFFERENT PLATFORMS IS LETS THE
5 MACHINES DO THINGS INSTEAD OF THE PEOPLE IS ONE
6 OF THE PREREQUISITES FOR GETTING THIS AUTOMATION
7 GOING.
8 UNFORTUNATELY, IT'S NOT THE ONLY THING.
9 YOU NEED HUMAN AGREEMENTS OF SHARED CONCEPTS
10 AMONG MACHINES AND MUCH MORE. AND WE'RE BY NO
11 MEANS THERE YET.
12 Q. DO YOU BELIEVE THAT THE EXISTENCE OF
13 JAVA AND PROGRAMMING LANGUAGES LIKE IT THAT ALLOW
14 YOU TO CREATE THESE CROSS-PLATFORM APPLICATIONS
15 CREATE A THREAT TO MICROSOFT'S OPERATING SYSTEMS?
16 MR. EDELMAN: OBJECT TO THE FORM.
17 THE WITNESS: I REALLY HAVE NO OPINION
18 ABOUT THAT.
19 Q. I'M GOING TO DIRECT YOUR ATTENTION TO
20 1081, PAGE 336.
21 MS. DE MORY: IS THAT THE WRONG ONE?
22 MR. EDELMAN: MY 1081 IS 332 TO 334.
23 Q. LET ME JUST READ TO YOU FROM PAGE 336
24 OF THE SOFTCOVER BOOK OF WHAT WILL BE. THERE IS
25 A SUBHEAD THAT SAYS--AND IF YOU WANT TO LOOK AT

1 THIS, I'M HAPPY TO--

2 A. I HAVE IT IN FRONT OF ME.

3 Q. OH, YOU DO HAVE IT.

4 THE WITNESS: WOULD YOU LIKE IT? I

5 PRETTY MUCH KNOW WHAT I SAID.

6 MR. EDELMAN: OH, OKAY. MY 1081 IS

7 PROBABLY DIFFERENT FROM EVERYBODY ELSE'S, BUT,

8 OKAY.

9 Q. OKAY. THERE'S A QUOTATION THAT SAYS,

10 "NEW FACADES WILL BE NEEDED TO HELP US WORK IN A

11 UNIFORM AND NATURAL WAY WITH OUR INFORMATION AND

12 WITH THE INFORMATION THAT BELONGS TO OTHERS

13 THROUGHOUT THE INFORMATION MARKETPLACE. A NAIVE

14 BLENDING OF THE TWO OLD FORMS, OPERATING SYSTEMS

15 AND BROWSERS, WILL NOT SUFFICE SINCE THEY ARE

16 SUFFICIENTLY DIFFERENT TO PREVENT UNIFORMITY, AND

17 SINCE THE NEW FACADES WILL HAVE TO DO WITH THE

18 MANY NEW CAPABILITIES THAT STAND BETWEEN TODAY'S

19 INTERNET/WEB AND TOMORROW'S INFORMATION

20 MARKETPLACE."

21 IN YOUR OPINION, IS THE COMBINATION OF

22 INTERNET EXPLORER AND WINDOWS, DOES IT CONSTITUTE

23 THIS NAIVE BLENDING THAT YOU DISCUSSED HERE ON

24 PAGE 336 OF WHAT WILL BE?

25 MR. EDELMAN: OBJECTION. LACK OF

1 FOUNDATION.

2 THE WITNESS: I DID NOT HAVE IN MIND AN
3 EXISTING APPROACH, BECAUSE, FRANKLY, WE ARE SO
4 FAR BEHIND HAVING ACHIEVED THIS YET THAT WHAT I
5 HAD IN MIND WHEN I WROTE THIS WAS PERSPECTIVELY
6 LOOKING AT THE FUTURE. I WANTED TO STAVE OFF, AS
7 I TOLD YOU EARLIER, THIS KNEE-JERK REACTION BY
8 SOFTWARE VENDORS TO GO THE EASY ROUTE AND DO A
9 SUPERFICIAL BLENDING OF THE TWO, BECAUSE ONE WAS
10 DESIGNED TO CLICK PAGES AT A DISTANCE FROM HUMAN
11 VIEWING, AND THE OTHER WAS DESIGNED TO CONTROL
12 THE RESOURCES OF AN ENTIRE LOCAL COMPUTER. AND I
13 WANTED TO AVOID THE NOTION THAT SOME SUPERFICIAL
14 BLENDING OF THE TWO WOULD BE ENOUGH.

15 SO I DIDN'T HAVE A PARTICULAR MACHINE
16 IN MIND WHEN I WROTE THIS. I HAD IN MIND AN
17 ADMONITION FOR THE FUTURE.

18 Q. LEAVING ASIDE WHAT YOU HAD IN MIND WHEN
19 YOU WROTE THIS, YOU'VE TESTIFIED EARLIER TODAY
20 THAT YOU USED WINDOWS 98 AND THAT YOU'VE USED
21 INTERNET EXPLORER. AND SO MY QUESTION IS:
22 UNDERSTANDING WHAT YOU MEANT WHEN YOU WROTE THIS,
23 DOES THE COMBINATION OF WINDOWS 98 WITH INTERNET
24 EXPLORER CONSTITUTE THE NAIVE BLENDING THAT'S
25 DESCRIBED ON PAGE 336 OF WHAT WILL BE?

1 MR. EDELMAN: BEFORE THE WITNESS
2 ANSWERS, SAME OBJECTION AS BEFORE. BUT IN
3 ADDITION, I THINK, IF MEMORY SERVES THE WITNESS'S
4 TESTIMONY, WAS THAT HE USED EITHER WINDOWS 95
5 AND/OR WINDOWS 98, BUT THAT HE WASN'T SURE. SO
6 I'M NOT SURE THAT THE PREDICATE FOR THE QUESTION
7 HAS BEEN ESTABLISHED. SO I OBJECT ON THAT
8 ADDITIONAL GROUND AS WELL.
9 MS. DE MORY: OKAY. I DO BELIEVE THAT
10 THE TESTIMONY IS THAT HE USES WINDOWS 98 AND
11 MAC OS, BUT THAT ASIDE.
12 THE WITNESS: MY USE OF EXPLORER WAS SO
13 SUPERFICIAL ON MY PART, AND QUICK, THAT I DIDN'T
14 REALLY FORM AN OPINION ABOUT THAT. BUT I SHOULD
15 SAY THAT I DON'T SEE THE--THE KIND OF THING I'M
16 CALLING FOR, I DON'T SEE IN ANY EXISTING SYSTEMS,
17 WHETHER BY MICROSOFT OR BY NETSCAPE OR BY APPLE
18 OR BY ANYBODY ELSE IN ANY COMBINATION. I'M
19 CALLING FOR A NEW METAPHOR HERE, AND THAT'S THE
20 SENSE IN WHICH I'M TALKING ABOUT THESE THINGS.
21
22
23
24
25