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-----Original Message-----
From: Jayrapp [mailto:Jayrapp@aol.com]
Sent: Thursday, March 05, 1998 12:52 AM
To: Will Poole
Subject: Confirmation Re Non-Removal of Exclusivity

Will,

I just wanted to make sure I understood what we talked about the other night with respect to Microsoft's recent commitment to make certain changes in its agreements with ISP's with respect to their obligations with respect to Internet Explorer. As I understand it, Microsoft agreed to delete language prohibiting ISP's from promoting or advertising a competing browser (such as Netscape's Navigator), including language that prohibited an ISP from expressing or implying that an alternate browser is available. Also, as I understand it, Microsoft has agreed to delete provisions in ISP contracts that condition placement of an ISP in its operating system on an ISP's shipment of Internet Explorer not falling below a certain percentage of that ISP's total shipments of all web browsers. In lieu of that language, I had understood that Microsoft is prepared to insert language in ISP agreements that merely provides that an ISP cannot promote or advertise a competing browser in a manner that is more prominent than its promotion or advertising for Internet Explorer, i.e., you are only seeking "parity" for Internet Explorer.

While we would like to substitute your new proposed language in our contract, you indicated that Microsoft is not prepared to make the language substitution in its agreement with America Online or with any other resident of the online services folder (which, I believe, would mean that Microsoft is not prepared to make the language substitution for a substantial percentage of the US ISP business).

Can you confirm your position, and in particular that neither AOL nor any other resident of the online services folder is being given the opportunity to make the language substitution referred to above.

Thanks

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Jay