

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 (CKK)

STATE OF NEW YORK *ex. rel.*
Attorney General ELIOT SPITZER, *et al.*,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

Next Court Deadline: March 4, 2002
Status Conference

**DEFENDANT MICROSOFT CORPORATION'S DESCRIPTION
OF WRITTEN OR ORAL COMMUNICATIONS CONCERNING
THE REVISED PROPOSED FINAL JUDGMENT AND
CERTIFICATION OF COMPLIANCE UNDER 15 U.S.C. § 16(g)**

In conformance with Section 2(g) of the Antitrust Procedures and Penalties Act (“APPA”), 15 U.S.C. § 16(g), defendant Microsoft Corporation (“Microsoft”) respectfully submits the following description of “any and all written or oral communications by or on behalf of” Microsoft “with any officer or employee of the United States concerning or relevant to” the Revised Proposed Final Judgment filed in these actions on November 6, 2001. In accordance with the requirements of the APPA, this description excludes

only “communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone.”

- (1) Following the Court’s Order dated September 27, 2001, and continuing through November 6, 2001, counsel for Microsoft met on a virtually daily basis with counsel for the United States and the plaintiff States in Washington, D.C. After the Court appointed Professor Eric Green of Boston University School of Law as mediator on October 12, 2001, Professor Green and his colleague Jonathan Marks participated in many of those meetings. From October 29, 2001 through November 2, 2001, Will Poole, a Microsoft vice president, also participated in some of the meetings.
- (2) On October 5, 2001, counsel for Microsoft met with representatives of the United States and the plaintiff States in Washington, D.C. to answer a variety of technical questions. Linda Averett, Michael Wallent, Robert Short and Chad Knowlton of Microsoft attended this meeting, as did Professor Edward Felten of Princeton University, one of plaintiffs’ technical experts.

Microsoft certifies that, with this submission, it has complied with the requirements of 15 U.S.C. § 16(g) and that this submission is a true and complete description of such communications known to Microsoft.

Dated: Washington, D.C.
December 10, 2001

Respectfully submitted,

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