

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)

Next Court Deadline: September 9, 2006
Joint Status Conference

**SUPPLEMENTAL STATUS REPORT ON
MICROSOFT'S COMPLIANCE WITH THE FINAL JUDGMENTS**

As stated in the August 30, 2006 Joint Status Report, Microsoft hereby files its proposed schedule pursuant to which technical documentation provided to licensees under the Microsoft Communications Protocol Program ("MCP") will be rewritten to conform to an overarching specification agreed upon by the Plaintiffs, the Technical Committee ("TC"), and Microsoft.¹

I. INTRODUCTION

As described in the previous Joint Status Report, on August 22, 2006, Microsoft submitted to the TC a draft proposed schedule to rewrite the MCP documentation to conform to a newly agreed upon specification and to address all specific outstanding Technical Documentation Issues ("TDIs") issues identified by the TC. This initial draft schedule was developed using a "bottoms-up" approach by Microsoft's project managers responsible for managing the production of the revised MCP documentation. This work was done in

¹ The TC as referenced in this report is meant to include Craig Hunt, the California Group's technical expert.

consultation with the numerous engineering teams at Microsoft that are associated with the project.

Since presenting this initial schedule, Microsoft, the TC, and the Plaintiffs have engaged in constructive dialogue to refine the schedule and to identify possible adjustments in order to further balance the parties' collective objective of delivering high-quality documentation to licensees at the earliest possible date. These discussions also have focused on placing an even greater emphasis on the delivery of documentation for the protocols that Microsoft believes are the most attractive to licensees as early in the process as possible. Accordingly, Microsoft provided a revised schedule to the TC on September 1, 2006. The TC and the Plaintiffs still are evaluating Microsoft's most recent proposal, but initial feedback on the changes to the schedule proposed by Microsoft has been positive.

As Microsoft has indicated to the TC and to the Plaintiffs, the September 1, 2006 proposal reflects an aggressive schedule. In recognition of this, Microsoft has advised the TC and the Plaintiffs that the proposed schedule contains no "buffer." As a result, it is conceivable that this aggressive timetable will need to be adjusted in the event that unforeseen challenges and/or constraints arise. Although Microsoft understands that the obligation to create the documentation is its alone, it will need to work closely with the Plaintiffs and the TC to determine whether and when adjustments to the schedule are acceptable and necessary to facilitate the prompt delivery of the revised MCPP documentation.

In light of the foregoing, described below is: (1) an overview of the September 1, 2006 schedule; (2) the methodology employed to prioritize the documentation for key protocols; (3) the allocation of available resources for this project; and (4) the status of Microsoft's ongoing discussions with the TC and the Plaintiffs to finalize the schedule. Moreover, now that the specification pursuant to which the MCPP documentation will be written is substantially complete, Microsoft has begun the process for writing the documentation in accordance with that specification in order to ensure that the parties' continuing discussions concerning the schedule do not delay the delivery of the documentation to licensees.

II. OVERVIEW OF SCHEDULE

The proposed schedule, as revised and presented to the TC on September 1, 2006, sets forth a plan pursuant to which Microsoft will create and make available revised documentation to MCPP licensees. The schedule proposed by Microsoft primarily focuses on the “Initial Availability” release of documentation to licensees in accordance with five milestones.² The schedule for the Initial Availability release of the revised MCPP documentation is as follows:

Milestone	Initial Availability to Licensees	Number of Documents
Milestone 1	10/25/2006	29
Milestone 2	12/15/2006	32
Milestone 3	2/22/2007	33
Milestone 4	4/11/2007	23
Milestone 5	5/29/2007	27

In total, the schedule above reflects the Initial Availability release of 144 separate documents covering 104 distinct protocols.³ As described in more detail below, a substantial portion of this work—almost half of all documents encompassed by the rewrite project—relate to protocols that are either new or have been modified for the forthcoming release of Windows

² Each document is assigned to a milestone based on the following general priorities: (1) documentation of protocols that are new or modified in Longhorn Server or Windows Vista; (2) practical engineering considerations relating to the overall complexity involved in the production of documents by individual engineering teams; (3) licensee feedback obtained from the TC and from Microsoft’s internal analysis of use by licensees of currently available protocols; and (4) protocol interdependencies.

³ As Microsoft has indicated to the TC and the Plaintiffs, the precise number of documents to be delivered at each milestone is subject to minor adjustment based on internal auditing and feedback from Microsoft engineers during the drafting process. In addition, the number of protocols to be documented may change due to changes to the Longhorn Server product plan and internal auditing of protocols implemented in Windows.

Vista and Longhorn Server.⁴ Moreover, Microsoft estimates that a disproportionate amount of the engineering effort involved in rewriting the MCPP documentation—approximately 65 percent—will relate to rewriting the documentation for these new or modified protocols.⁵

Microsoft’s proposed schedule incorporates a number of significant deliverables that Microsoft is committed to achieving as part of the Initial Availability release of each technical document.⁶ Extending well beyond the simple drafting of documents, these deliverables are designed to ensure that the Initial Availability documentation is of sufficient quality and is usable by licensees. These deliverables, which were developed in collaboration with the TC, include: initial drafting of the documentation by Microsoft engineers and programmers; creating the necessary reference material; extensive and thorough review by Microsoft architects and engineers; and editing by the Microsoft content team, which includes verifying that all reference links work and are accurate.

Approximately 90 days following the Initial Availability release of a document, Microsoft will make available to the TC an “Online Build” of that document for testing. The Online Build, while not intended to be significantly different in content from the Initial Availability documentation, will reflect some additional work by Microsoft including: incorporating feedback from licensees and the TC; copy editing; XML markup; writing or

⁴ Specifically, 26 of these 104 protocols are new protocols that did not previously exist and that relate to Microsoft’s forthcoming Longhorn Server and Windows Vista products. An additional 42 protocols have been modified for Longhorn and Windows Vista.

⁵ Although some of this work already has started as part of Microsoft’s efforts in Europe, as described above, a substantial portion of the effort relating to the Vista and Longhorn protocols will relate solely to the MCPP.

⁶ Although the Initial Availability documentation is designed to be of immediate use and benefit to licensees, the documentation will not be considered to be approved by the Plaintiffs until after the TC has completed its testing and validation of the “Online Build” documentation.

updating the parsers and evaluating “Netmon” data as necessary; converting the documents into multiple online and offline formats; review by the build team; document editing and formatting; validating the document against the specification template; and verifying that TDIs existing prior to the rewrite are addressed in the rewritten documentation.

Although not reflected in the above schedule, Microsoft also intends to provide MCPP licensees with documentation that is being prepared in connection with the European Commission’s Windows Server Protocol Program (“WSPP”).⁷ Microsoft expects to provide this documentation to licensees under the MCPP terms by the end of September 2006.⁸ As the Court is aware, many of the documents prepared for the WSPP overlap with the MCPP. In addition, the documents for the two programs, when completed, will bear a strong resemblance to one another. However, the requirements set forth by the TC will take substantially longer to complete for the Online Build deliverables than those required for the WSPP deliverables. Thus, while the WSPP documentation likely will be beneficial to MCPP licensees, those documents represent only a subset of the work that the TC has asked Microsoft to complete. Licensees, however, will be able to use this documentation immediately upon receipt for both production and evaluation purposes.

⁷ As noted in previous Supplemental Status Reports, Microsoft also is rewriting the documentation for the protocols that the EC has required to be made available as part of the WSPP. The rewrite is based on specifications to which Microsoft and the Monitoring Trustee for the EC have agreed.

⁸ Individual MCPP licensees will receive the documentation that is relevant to the specific tasks that they have licensed.

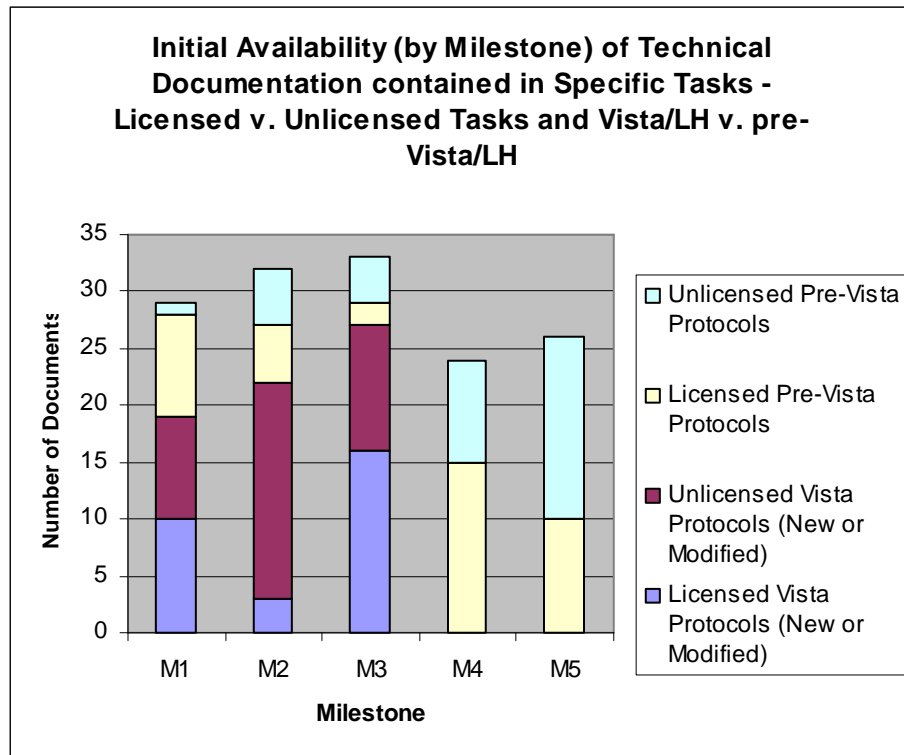
III. PRIORITIZATION OF DOCUMENTATION FOR KEY PROTOCOLS

Microsoft's proposed schedule also places a heavy emphasis on delivering as early in the process as possible the documentation for the protocols that the Plaintiffs and current and potential licensees have indicated will be of the most immediate and greatest utility.

Accordingly, Microsoft has committed to giving priority to the documentation of the protocols that are required for the currently licensed tasks.

Microsoft also has committed to giving priority to the protocols that either are new or have been modified for the forthcoming release of Windows Vista and Longhorn Server. The Initial Availability release will cover protocols that are used to communicate with Windows Vista and Windows client operating system products that are already made available by Microsoft. Although not required by the MCPP License Agreement, Microsoft will release documentation relating to Vista's communication with Longhorn Server up to six months prior to the release of the new Longhorn Server product. Longhorn Server is currently in the "beta" phase of its development and is not expected to ship until the second half of 2007. The accelerated delivery schedule for Longhorn Server documentation will provide licensees with an advanced opportunity to take advantage of Longhorn Server protocols, including those used to communicate with Windows Vista. In light of this prioritized schedule, Microsoft estimates that the Initial Availability release of the 68 new and revised Vista and Longhorn documents—which accounts for just under half of all documents being produced—will be completed by February 22, 2007.

The following chart depicts the priority given to different protocols for the Initial Availability release, based on whether a protocol relates to currently licensed tasks or is new or modified for Longhorn Server and Windows Vista.⁹



IV. RESOURCE ALLOCATION AND AVAILABILITY

As Microsoft has indicated to the TC, the schedule described above is aggressive and represents a commitment by Microsoft to delivering rewritten documentation of the highest quality as soon as practicable. In total, Microsoft estimates that the project will involve the commitment of over 250 engineers and other Microsoft personnel to produce the Initial

⁹ The chart relates only to the specific tasks available under the MCP and excludes the General Server and Proxy/Firewall licenses that include all protocols. In evaluating its plan to prioritize documentation for specific protocols, Microsoft and the TC considered prioritizing the documentation based on these specific tasks and not the general licenses. In addition, the phrase “Licensed Vista Protocols” included in the chart relates to the Vista protocols that will be included in currently licensed specific tasks.

Availability documentation. Microsoft estimates that the overall commitment of engineering time alone to the Initial Availability documentation will equate to approximately 5,600 work days.

Beyond just numbers, Microsoft has committed its most experienced and capable engineers to the project. This includes the reassignment of additional engineers previously devoted to other key projects, such as Windows Vista and Longhorn development.

V. ONGOING DISCUSSIONS WITH THE TC AND THE PLAINTIFFS

While Microsoft believes that significant progress has been made regarding the schedule, it is important to note that the proposed schedule still is being evaluated by the Plaintiffs and the TC. To facilitate this dialogue, Microsoft has provided the TC and the Plaintiffs with an explanation of the methodology used to set the target dates for each milestone, an overview of the engineering resources that Microsoft believes will be required for the creation of each document, the relevance of the documentation to each task included in the MCP, and the methodology that Microsoft used to determine the priority of documentation for the key protocols and tasks. This information also is being provided so that the TC and the Plaintiffs can verify that the schedule proposed by Microsoft represents an effective and efficient use of the qualified resources that are available and to ensure that the overarching objective of all parties, including Microsoft—*i.e.*, to deliver high quality documents to licensees in the most expeditious manner—is achieved.

While Microsoft is fully committed to achieving the milestones set forth in the above schedule, it also recognizes that changes to this aggressive schedule remain possible (both over the next month as the schedule is being finalized and as the project continues) in order to incorporate additional feedback from the TC and to account for other unforeseen obstacles. Accordingly, Microsoft will stay in regular contact with the TC and the Plaintiffs regarding the need for adjustments in the schedule and will update the Court with respect to any changes.

Respectfully submitted,

/s/ Charles F. Rule

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