

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: November 22, 2006  
Joint Status Report

**SUPPLEMENTAL STATUS REPORT ON  
MICROSOFT'S COMPLIANCE WITH THE FINAL JUDGMENTS AND REPORT BY  
PLAINTIFFS REGARDING THE MICROSOFT COMMUNICATIONS PROTOCOL  
PROGRAM DOCUMENTATION**

Microsoft hereby files its Monthly Supplemental Status Report regarding Microsoft's Compliance with the Final Judgments and a report by the Plaintiffs regarding the Microsoft Communications Protocol Program ("MCP") documentation. This Supplemental Status Report will be divided into three primary sections. Section I of this report discusses Microsoft's progress in revising the technical documentation.<sup>1</sup> Section II discusses, at the Plaintiffs' request, Microsoft's efforts, in cooperation with the TC, to provide independent software vendors ("ISVs") with the information and tools needed to ensure that their middleware products will register for file-type associations and defaults properly within the "Default Settings" framework

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<sup>1</sup> Microsoft's Supplemental Status Reports no longer will include separate sections on Microsoft's parser development efforts and its cooperation with the Technical Committee's ("TC") projects. Microsoft's parser development and delivery efforts were completed successfully and according to schedule on July 31, 2006. The TC's XML markup project, as it was originally defined, also was completed in July 2006. Future efforts in these areas will be addressed in the broader context of Microsoft's efforts to rewrite the technical documentation rather than being addressed as distinct projects.

of the forthcoming Windows Vista operating system.<sup>2</sup> This particular filing also includes, as Section III, a report by the Plaintiffs that addresses the schedule pursuant to which Microsoft will deliver the revised technical documentation. Neither Plaintiffs nor Microsoft necessarily adopts the views expressed by the other.

I. **Technical Documentation**

A. *Overview of Proposed Schedule*

As described in Microsoft's September 5, 2006 Supplemental Status Report, Microsoft submitted to the TC on September 1, 2006, a revised proposed schedule according to which the technical documentation will be rewritten to conform to an overarching specification agreed upon by the Plaintiffs, the TC, and Microsoft.<sup>3</sup> The proposed schedule prioritizes the delivery of the documents that are expected to be of the most immediate and greatest use to licensees, including protocols that are required for currently licensed tasks and protocols that are new or have been modified for the forthcoming release of Windows Vista and Longhorn Server.

The schedule proposed by Microsoft focuses on the "Initial Availability" release<sup>4</sup> of documentation to licensees in accordance with five milestones. The schedule for the Initial Availability release of the revised MCPP documentation is as follows:<sup>5</sup>

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<sup>2</sup> Microsoft and the Plaintiffs propose to update the Court on Microsoft's efforts, in cooperation with the TC, to ensure non-Microsoft Middleware application compatibility with Windows Vista in its monthly Supplemental Status Reports until such time as Microsoft and the Plaintiffs agree that the program has achieved its objectives.

<sup>3</sup> As reported in the Previous Joint Status Report, Microsoft and the TC have reached a provisional agreement on the templates subject to some additional testing by the TC.

<sup>4</sup> The deliverables associated with the Initial Availability release include the 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. The Initial Availability release of each technical document is designed to be of immediate use and benefit to licensees. TC testing and validation activity will continue, however.

Milestone	Initial Availability to Licensees	Number of Documents
Milestone 1	10/25/2006	32
Milestone 2	12/15/2006	31
Milestone 3	2/22/2007	37
Milestone 4	4/11/2007	30
Milestone 5	5/29/2007	28

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.<sup>6</sup>

Since submitting the proposed schedule, Microsoft has worked with the Plaintiffs and the TC to ensure that the proposed timeline represents an effective and efficient use of the qualified resources that are available and to ensure that the overarching objective of delivering high quality documents to licensees in the most expeditious manner is achieved. The TC and Plaintiffs have informed Microsoft that it is appropriate to proceed on the basis of the schedule proposed, and Microsoft is doing so. Bearing in mind that the schedule contains virtually no “buffer,” it is conceivable that Microsoft may seek to adjust the timetable in response to unforeseen challenges and/or constraints.

While the details of the final schedule for the technical documentation project were being finalized, Microsoft began its efforts to revise the technical documentation according to the overarching specification in order to deliver the revised documentation to MCPD licensees as quickly and as efficiently as possible. Based on its work to date, Microsoft is on track to deliver

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<sup>5</sup> In total, the schedule reflects the Initial Availability release of approximately 158 separate documents covering approximately 110 distinct protocols. The number of documents to be delivered at each milestone has been changed since the previous Supplemental Status Report to reflect some minor adjustments.

<sup>6</sup> The Online Build, while not intended to be significantly different in content from the Initial Availability documentation, will reflect some additional work by Microsoft (*e.g.*, incorporating feedback from licensees and the TC, copy editing, XML markup, etc.).

in PDF format the first Initial Availability release of technical documentation by October 25, 2006, which corresponds with “Milestone 1” of the proposed schedule.

In addition, Microsoft is continuing its efforts to implement additional programs and resources for MCPP licensees. As discussed in previous Status Reports, Microsoft has established an interoperability lab in which licensees can test and debug their protocols and obtain on-site access to Microsoft engineering assistance. The lab provides a testing facility, training, best practices, trouble-shooting, and technical support for licensees implementing protocols from the MCPP documentation. Microsoft also has agreed to sponsor “plug-fest” events at which several companies can test and debug their protocol implementations with the goal of improving interoperability among each other and with Microsoft. The first “plug-fest” for MCPP Media Streaming Task licensees is scheduled to take place in December. All licensees have been notified of the event, and to date two companies have signed up for the December plug-fest. Microsoft also is preparing for discussions in the upcoming weeks with the TC regarding conformance testing.

B. *Status of Delivery of Windows Server Protocol Program (“WSPP”) Documentation to MCPP Licensees*

As described in the September 5, 2006 Supplemental Status Report, Microsoft also has committed to providing MCPP licensees with the documentation that has been prepared in connection with the European Commission’s WSPP. Accordingly, Microsoft notified all current MCPP licensees on September 29, 2006, that relevant portions of WSPP documentation (i.e., corresponding to the MCPP documents they have licensed) will be made available to any licensee upon request. To date, three licensees have requested and received copies of the relevant WSPP documentation.

C. *Technical Documentation Team Staffing*

Robert Muglia, the Senior Vice President for Microsoft's Server and Tools Business, continues to manage the documentation effort along with additional senior product engineering team managers.

Altogether, approximately 260 Microsoft employees and contingent staff are involved in work on the MCPP technical documentation. Given the substantial overlap between the MCPP and WSPP, all of these 260 individuals devote their efforts to work that relates to both programs or that is exclusive to the MCPP. Of these, approximately 190 product team engineers and program managers are actively involved in the creation and review of the technical content of the documentation. In addition, there are approximately 22 full-time employees and 22 contingent staff working as technical writers, editors, and production technicians. There also are approximately 26 other technical architects, managers, and employees from the Windows product development organization and the Competitive and Regulatory Affairs team who devote a substantial amount of time and effort to the technical documentation and the MCPP in general. Significant attention and involvement in the technical documentation and the MCPP extend through all levels of the Microsoft organization and draw upon the resources of numerous product engineering, business, technical, and legal groups, as well as company management.

D. *Status of Existing Technical Documentation Issues ("TDIs")*

As the technical documentation is being rewritten, the TC is continuing to identify issues in the existing technical documentation of protocols for which they have not yet received

rewritten documentation. The current status of TDIs in the existing documentation is as follows:<sup>7</sup>

	As of 7/31/2006	Period Ended 9/30/2006
<b>60-Day TDIs Submitted by the TC</b>		
Submitted this period		71
Closed this period		4
Outstanding	68	135
<b>Other TDIs Submitted by the TC</b>		
Submitted this period		140
Closed this period		61
Outstanding	529	608
<b>TC Subtotal Outstanding</b>	597	743
<b>TDIs Identified by Microsoft</b>		
Identified this period		67
Closed this period		56
Outstanding	99	110
<b>Total Outstanding</b>	696	853

## II. ISV Readiness for Windows Vista

As discussed in the previous Joint Status Report, the upcoming release of Windows Vista handles middleware settings on a “per user” rather than the previous “per machine” basis. This change to the operating system necessitates that middleware ISVs change various settings in order to take advantage of the newly revised Middleware functionality in Windows Vista. Accordingly, the TC and Microsoft have expanded their cooperation in several ways to encourage middleware ISVs to achieve “Vista-readiness” prior to the shipment of Windows Vista.

To achieve this objective, Microsoft has worked closely with the TC to notify “Key ISVs”<sup>8</sup> in each of the four Middleware categories—Internet browsers, media players, e-mail

<sup>7</sup> As noted in previous Status Reports, Microsoft expects to address the outstanding TDIs in the course of rewriting the technical documentation. As the parties have recognized, because Microsoft is focusing its efforts on revising the technical documentation, the number of outstanding TDIs is expected to rise until revised versions of the documentation are completed.

clients, and instant messaging—of the need to prepare their middleware applications for Windows Vista. Microsoft, in cooperation with the TC, has sent letters to contacts for all Key ISVs.<sup>9</sup> These communications emphasize the benefits of the middleware-related changes needed to ensure compatibility of their applications with Windows Vista and provide the ISVs with information regarding the required changes.

Microsoft also has implemented a comprehensive program to educate middleware ISVs about Windows Vista that includes, among other elements, a dedicated website providing information about Windows Vista and the changes to middleware code needed to ensure compatibility with the new operating system, a free “Vista-readiness Lab” on the Microsoft campus where ISVs can test and troubleshoot their software to ensure compatibility with Vista, and direct communications from Microsoft executives.<sup>10</sup>

To date, some ISVs have been very responsive and either have taken advantage or have indicated that they would like to take advantage of the offered opportunities and resources. Other ISVs, however, have been less responsive to Microsoft’s and the TC’s outreach efforts or have chosen not to take advantage of these opportunities. Despite the lack of response, Microsoft and the TC will continue to work cooperatively to reach out to these remaining ISVs and encourage them to ready their middleware applications for Windows Vista.

The status of Microsoft’s and the TC’s outreach efforts, by Middleware category, is as follows.

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<sup>8</sup> The “Key” ISVs are the leading vendors in each of the four Middleware categories that, due to their position, the TC has identified as the targets for Microsoft’s outreach effort.

<sup>9</sup> Microsoft and the TC together determined the contacts for each ISV to whom a notification letter was sent. Not all ISVs have responded to or confirmed receipt of the notification letter from Microsoft and the TC.

<sup>10</sup> In addition, Microsoft is working to support the TC’s related efforts, including making the TC’s ISV tool—a software program used to verify proper registration of middleware products in Windows Vista—available to ISVs and promoting and supporting the TC’s recently established “office hours” at Microsoft’s Vista-readiness Lab to answer questions from ISVs.

A. *Internet Browsers*

Notification letters were sent to the four Key ISVs in this category.<sup>11</sup> Two of the Key ISVs have visited Microsoft's Vista-readiness Lab, and another Key ISV maintains an ongoing technical relationship with Microsoft and the TC. Two of the Key ISVs have proposed Vista-ready applications to the TC and Microsoft, although the TC has not yet completed its review to confirm that these applications take advantage of the new Middleware features in Windows Vista.

B. *Media Players*

Notification letters were sent to all four Key ISVs.<sup>12</sup> The four Key ISVs all have visited or have scheduled visits to Microsoft's Vista-readiness Lab. One Key ISV has submitted a Vista-ready version of its software to Microsoft and the TC, although the TC has not yet completed its review to confirm that this application take advantage of the new Middleware features in Windows Vista.

C. *E-mail Clients*

Notification letters were sent to the nine Key ISVs.<sup>13</sup> Three of the Key ISVs have visited or are planning to visit the Vista-readiness lab. One Key ISV has proposed a Vista-ready version of its middleware to Microsoft and the TC, although the TC has not yet completed its review to confirm that this application takes advantage of the new Middleware features in Windows Vista.

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<sup>11</sup> Two of the four Key ISVs have confirmed receipt of the communication.

<sup>12</sup> Three of the four Key ISVs have confirmed receipt of the communication.

<sup>13</sup> Six of those nine ISVs have confirmed receipt of the notification letter. Of the three ISVs that have not confirmed receipt of the notification letter, one already has visited Microsoft's Vista-readiness Lab, another has scheduled a visit to the Lab, and the last currently is working with Microsoft to set up a visit to the Lab.



D. *Instant Messaging*

Notification letters were sent to the four Key ISVs.<sup>14</sup> Three Key ISVs have visited or have scheduled a visit to the Vista-readiness Lab. Vista-ready versions of middleware have not yet been submitted by any Key ISVs to the TC for testing.

**III. Report by the Plaintiffs Regarding the MCPP Documentation Rewrite Schedule**

In the August 30, 2006 Joint Status Report and at the subsequent Status Conference, Plaintiffs committed to provide in this report their views on Microsoft's schedule for the documentation rewrite project. Plaintiffs have completed their review of the most recent schedule, and the TC has informed Microsoft that it is appropriate to proceed on the basis of that schedule. At the previous Status Conference, Microsoft affirmed its commitment to meeting the schedule and stated that, although not without risk, the schedule is achievable. The responsibility for producing satisfactory documentation in accord with the schedule now rests with Microsoft.

Under the schedule, Microsoft has committed to provide the documents in five batches, the first at the end of October, the last at the end of May 2007. On these five dates, Microsoft will provide the "initial availability" release, which Microsoft will have determined to be technically correct, accurate, and complete versions of the rewritten documentation. After the "initial availability" release, the TC and Licensees will have the opportunity to provide feedback and identify any issues, which Microsoft must resolve in the following 90 days. Microsoft has committed to complete its work to ensure that all open TDIs have been addressed, XML markups for the TC's validation purposes have been provided, and online access to the technical documents is available by the end of each 90-day period, so that the documents in that batch then may be released in final form.

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<sup>14</sup> Two of the Key ISVs have confirmed receipt of the notification letter. One of the two ISVs that have not confirmed receipt has visited Microsoft's Vista-readiness Lab.

At Microsoft's request, to better use those technical experts who are sufficiently familiar with the details of the communications protocols, the order of delivery of particular documents under the schedule has been changed since the September 7 Status Conference. However, the time period for Microsoft to complete the entire rewrite has not changed. Microsoft has worked closely with the TC to adjust the ordering of the protocol documents, based on the views expressed by MCPP licensees and the experience of the TC.

Plaintiffs acknowledge there may need to be adjustments to the schedule as Microsoft auditors review the inclusion or exclusion of individual protocols in the rewrite process. This work will be done in parallel with the rewrite itself. Plaintiffs and Microsoft will update the Court on any appropriate adjustments to the schedule. Microsoft has stated that the schedule is aggressive.

Microsoft has not yet sized or scheduled protocol conformance testing, designed to verify that the documentation indeed describes the operation of Microsoft's products. This is an essential element of the overall program, and in the next Joint Status Report Plaintiffs and Microsoft will report on Microsoft's progress. Although the TC will independently evaluate the quality of many of the documents using technology and experience developed to date, this activity alone cannot provide verification comparable to that provided by conformance testing, which is needed for a successful MCPP program.

Microsoft should deliver the first batch of rewritten documents to the TC on October 25. Plaintiffs may be able to report on their initial reaction to the quality of the first batch in the next Joint Status Report, due to the Court by November 22.

Respectfully submitted,

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