PLAINTIFF'S EXHIBIT <u>342</u> Comes v. Microsoft

## BORLAND

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HOB) 436-8400

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July 24, 1990

Mr. Brad Silverberg Microsoft Corporation One Microsoft Way Redmond, WA 98052

Dear Brad,

Thank you for your response. We believe that your letter represents some progress in the right direction. However, the fundamental issues, our ability to provide our customers with competitive language products under Windows and OS/2, are not really addressed. There are many grains of sand that remain that will grind the machine to a stop. I am concerned about the precious time that we are wasting as we are losing business by the day.

Let me outline for you some of the issues remaining that your letter did not address.

1. We need specific delivery dates on all of the promised items. Those delivery dates should essentially be immediate. We further would need not only windows.h, but of course all the other critical header files used in programming Windows, including drivinit.h, custcntl.h, and dde.h.

2. In the matter of licensing the resource compiler, or any other elements that are part of this discussion, we should agree on a lump sum, say \$50 per year, just like Apple does it, very successfully. The agreement extends itself for the lifetime of the operating system. Lets very quickly agree on this.

3. There are a number of other SDK tools that have been mentioned to Microsoft that should be part of this agreement. These include the Spy program, the heap walker and heap shaker. In order to keep things simple in the long run, and to always keep up to date with the specific elements of Windows or OS/2 support, the deal should just include everything as updates are being constructed. For example, we would of course need specifications for local and global heap data structures so that we can, if we desire, replace the Microsoft heap walker and shakers. Similarly, a license to the hook.dll in order to provide an alternate to Spy, would need to be included in the "package". As I said, for us to be able to get on with our business and be somewhat competitive we need to be able to license all the utilities in the Softset on a total basis as well as to have access to all the formats and interfaces.

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Mr. Brad Silverberg Microsoft Corporation July 24, 1990 Page Two

4. We do not understand your position on the help compiler and debugging kernel. Basically, it would in reality "take us off the market". Maybe your long-term solution to the problem, putting these into the retail version of the product, is adequate. However, the solution presently is not acceptable as you can't expect everyone to update to the latest version immediately.

5. We of course need a license to wdeb386 and symdeb, as well as libentry.asm.

6. We can't properly do our job, as you well know, without full documentation of the New Exe format; the current documentation is lacking in several areas. The same holds for the full documentation on the .res format until the alternate solution is provided. Let me also mention that you need to provide a description of the algorithm used to attach resources to executables, one that will be preserved over time to ensure compatibility from version to version.

7. We need your continued support on the debugging issue. In addition, as you undoubtedly remember, we raised an issue last spring regarding emulator support in Windows. The current version of Windows does not save emulator interrupt vectors when swapping tasks. This requires that the Microsoft emulator be used instead of the one that we have been shipping with our products for years. Again, it essentially "takes us off the market". Please address this urgent and essential part in Windows 3.1. Until this is fixed, we need immediate access to win87em.lib and win87em.dll.

All these issues apply of course to OS/2 and need a response from Microsoft on the same set of issues for the Microsoft Softset and documentation. Further, bridging the gap between Windows and OS/2 is key, and we need to understand what the issues relevant to "Porthole" are.

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I appreciate your help in this very difficult situation, Brad, and I look forward to your quick reply.

Sincerely,

Philippe Kahn

cc: Bill Gates Steve Ballmer Eugene Wang Rick Schell BORLAND

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