

PLAINTIFF'S EXHIBIT
2549
Comes v. Microsoft

From: Flannigan, Steve [SteveFI@Exchou.COMPAQ.com]
Sent: Wednesday, September 11, 1996 9:41 AM
To: Joachim Kempin
Cc: Don Hardwick
Subject: RE: Office 95

If that's the "same OEM deal as Gateway, Dell, SNI, etc." Ballmer was referring to", then the answer would be YES. However, I don't believe that Dell bundles on all Dell PCs. You tell me.

Steve

From: Joachim Kempin[SMTP:joachimk@MICROSOFT.com]
Sent: Wednesday, September 11, 1996 10:14 AM
To: Flannigan, Steve
Cc: Bengt Akerlind; Don Hardwick; Steve Ballmer
Subject: RE: Office 95

I will check with Steve and get back to you. But before I quote anything answer just one question with Y or N: would you be willing to bundle on all Compaq PCs, I exclude servers and the few barebones?

>From: Flannigan, Steve[SMTP:SteveFI@Exchou.COMPAQ.com]
>Sent: Wednesday, September 11, 1996 7:54 AM
>To: Joachim Kempin
>Cc: Bengt Akerlind; Don Hardwick; Steve Ballmer
>Subject: Office 95

> Joachim,

>As you know, I have been looking closely at the Anheuser-Busch deal to understand the impact to Compaq of the OEM deals at Dell, Gateway, SNI, etc. As part of the sequence of events at Anheuser-Busch, Steve Ballmer called Bob Mason. I got the following from the field as feedback on that call.

> "The final conversation Ballmer had with Anheuser-Busch was that he told them they needed to upgrade their select agreement and that he would not work any special deal for them. Ballmer told Anheuser-Busch(Bob Mason CIO) that Compaq could have the same deal as Gateway if they would do an OEM deal with Microsoft."

>As a follow up, I would like to evaluate doing this OEM deal with Microsoft. Would you please forward me the term sheet for the "same OEM deal as Gateway Dell, SNI, etc." Ballmer was referring to. I have not been able to locate one that Microsoft might have sent to Compaq in the past. I understand that Office 97 is a different set of terms or a modification of the Office 95 terms, so if you would also include an additional term sheet for Office 97 I would appreciate it.

>Thanks

>Steve

>

EXHIBIT
8/28/01
370
Hardwick

FL AG 0031192
CONFIDENTIAL