

From: Richard Fade
Sent: Monday, August 28, 2000 6:13 PM
To: Richard Fade's Direct Reports; Allen Wilcox (LCA)
Cc: Ron Wollum; Mark Wood
Subject: OSDL PR Plan - attorney client privileged

Heads up on the OSDL announcement day after tomorrow, the significant positioning statements are in the thread below. Allen please speak up if you have any concerns. Mike likely to come to you for supporting quote if any is needed given not clear where Dell nets out on this at the moment (Michael's positive comments re Linux World Keynote) if anything I bet they become a surprise participant in this (via Red Hat and IBM)

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From: Adam Sohn
Sent: Monday, August 28, 2000 6:06 PM
To: Adam Sohn; Richard Fade; Doug Miller
Cc: Vivek Varma; Marilyn Byrne; Carl Gullledge; Carl Sittig
Subject: RE: OSDL PR Plan - attorney client privileged

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To: Stephanie Wettstein (Waggener Edstrom); Katrina Bush (Waggener Edstrom); Chuck Humble (Waggener Edstrom); Steve Aeschbacher (LCA)
Cc: David Martin (WINMKTG); Adam Sohn; Vivek Varma; Brian Schuster; Dan Neault; Dan Crouse (LCA); Tom Burt (LCA); Chris Meyers (LCA); Lisa Tanzil (LCA); Kim Akers (WINDOWS); Tom Phillips; Carl Stork; Mike Porter; Bill Veghte; Brian Valentine; Jim Ewel; Vivek Varma
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- Two levels: (i) founders/steering board, big \$ contributors, (ii) general members not steer but contribute technology, benefit from "the IP protection"
- 2. OSDL's operations guidelines will be to develop a set of infrastructure for open source development projects, claim that target is very high end space competing against UE10000.
- 3. OSDL to provide:
 - IP buffer for the Open Source community – "solving the IP problem of the GPL" – "to get around GPL issues".
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Reduce potential negative PR to Microsoft, reinforce our messages that we are here now with customer solutions and question the customer value of this announcement.

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1. The drive to build the Next Generation Internet is happening now
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 - Microsoft is in the best position today, to go after this business and solve real customer business problems
 - Microsoft focuses on customer solutions, rather than "fashion" technologies
 - We have good relationships with Intel, IBM, HP and others who are having great success solving business customer needs today with Windows 2000.
2. Bad news for Sun & GPL
3. Old UNIX guard attempting to hijack Linux to go after Sun
 - This will drive a wedge between the original Linux champions who are for "free" software and the established commercial UNIX "old guard" further confusing customers
 - Old UNIX guard want to adopt the UNIX business model where they provide proprietary differentiation on top of a common base as they realize they can't add any competitive differentiation under the GPL
 - Appears to be business as usual for the fragmented UNIX market and very reminiscent of previous UNIX alliances.
4. These types of alliances ultimately do not benefit customers and have historically been prone to failure (OSF all over again for example)
 - Customers want solutions today and clearly it will take a long time for this new group to produce viable production quality, custom-ready solutions.
 - Linus Torvalds, the creator of Linux, himself recently said Linux was 5-10 years behind Windows.
 - Linux and Open Source are supposed to be all about "free" technology and no one group having competitive advantage. This new alliance seems to go against these principles.
 - What about HP-UX, IBM AIX and the IA-64 Monterey project? Are these now dead? HP and IBM have said in the past that those platforms are what they are using to target the high-end UNIX segment.

Tactics:

- Confirm Compaq and Dell are not part of this announcement and are informed of Microsoft's position. Owner: Compaq - jime, Dell - adamso
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- Contact Eric Raymond, Tim O'Reilly or Bruce Perrins to solicit support for this going against the objectives of the Open Source movement. Owner: dougmil [*Doug Miller*] Note that I will not be doing this. Maureen O'Gara said she was going to call them so it looks better coming from her.
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Publication call-down:

potential press list only - confirmation required by Waggner Edstrom

<< File: Contacts.xls >>

Buddy Mail:

<< Message: Old UNIX guard hijacks Linux >>

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Rude Q&A:

Q: So what does Microsoft think of this announcement?

A: Microsoft welcomes healthy competition but we don't see how this will benefit customers. Groups like these typically take years to get their act together - for example OSF, the Open Group, iABI, the ACE initiative, the UNIX SVR4 "Destiny" project, etc. Microsoft has solutions for customers today.

Q: What does this say about your OEM relationships?

A: Microsoft has healthy relationships with IBM, HP, Intel and have they substantial successful businesses based around Windows solutions. I'm sure their commitment to Microsoft technologies will not be affected by this announcement.

Q: Is Microsoft developing a version of Office for Linux?

A: No. We have not seen volume demand for this in the commercial marketplace.

Q: There seems to be momentum behind Linux based on research from IDC and Netcraft.

A: Netcraft recently revised their methodology to more accurately describe sites actually being used by customers. Windows and Linux have approximately the same number of active sites however the big news is Microsoft technology is running half of the servers that power the Internet. Many of these servers are predominantly deployed within the Fortune 500 and other major businesses around the world. IDC's recent research highlights the number of copies of Linux distributed - however given that Linux is free, this by no means represents real-world usage of Linux as a production operating system.

Q: Does Microsoft have plans to open source any of it's products?

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Questions for the press to ask OSDL:

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Q: How does this play versus all the other announced initiatives (LSB, GNOME Foundation, Trillian, etc...)?

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Q: Does this indicate that RedHat's existing business model is untenable?

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Doug Miller <mailto:dougmil@microsoft.com>
Microsoft Corporation / Bldg. 6 Rm. 2113
Phone: (425) 705-5101
Fax: (425) 703-7562
Cell / pager: (425) 891-6128

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From: Richard Fade
Sent: Monday, August 28, 2000 6:15 PM
To: Joachim Kempin
Subject: OSDL PR Plan - attorney client privileged

More detail on this and our response meant to cc you

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From: Richard Fade
Sent: Tuesday, August 29, 2000 10:39 AM
To: Mark Wood
Subject: RE: OSDL PR Plan - attorney client privileged

I assume you and Ken are coordinated I spoke with Kan about this this morning
Thanks

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From: Mark Wood
Sent: Tuesday, August 29, 2000 10:37 AM
To: Allen Wilcox (LCA)
Cc: Ron Wollum; Richard Fade; Richard Fade's Direct Reports
Subject: RE: OSDL PR Plan - attorney client privileged

**Privilege Material
Redacted**

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From: Allen Wilcox (LCA)
Sent: Monday, August 28, 2000 6:36 PM
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- Q. This sounds like a closed club - we thought the whole point of open source was is open for anyone to join?
- Q: Isn't OSDL simply another well-funded Redhat?
- Q: Does this indicate that RedHat's existing business model is untenable?
- Q: Did OSDL founders consult Linus Torvald, Eric Raymond, Bruce Perens, et al. re appropriateness and objectives of OSDL formation?
- Q: What is the corporate structure of OSDL? Who owns it? Who controls it? Will OSDL make the agreements between its founding members public?
- Q: Can other companies join OSDL and, if so, what types of participation are possible?
- Q: Would OSDL consent to OSS community oversight?
- Q: Who will control the work done by OSDL? Will OSDL work be "open" to public inspection, i.e., conducted on the web with unrestricted public access? If not, why not?
- Q: Who will have ownership of IP relevant to code developed by OSDL? What about code contributed to OSDL?
- Q: Will all code released by OSDL be released under the GPL? If not, what code will be subject to different terms/conditions, what terms/conditions will apply, and who will decide what code to except from the GPL?
- Q: How can OSDL avoid the code it releases being subject to the GPL if OSDL is modifying GPL code?
- Q: Will OSDL provide any representations/warranties/indemnification that code released by OSDL is free from infringements?

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