



From: Brad Silverberg [ITG/OXYGEN/bradsj]  
Sent: Wednesday, December 14, 1994 2:24 PM  
To: Joachim Kempin  
Cc: billg; billn; steveb  
Subject: RE: Apple and Win'95

there is a new lawsuit from them too over some code that a contractor developed from apple for quicktime for windows. apple alleges that the same contractor wrote code for intel that intel included in its dci that infringes on apple's copyrights. intel gave us the code for inclusion in video for windows. apple's suit has thus dragged both us and intel in, and their complaint asks for vfw source; and they are alleging win95 is effected too (though we don't use intel's dci code in win95, we use our own).

so as long as they continue such attacks on us, i cannot give them win95 beta. they are NOT just another oem.

|From: Joachim Kempin  
|To: bradsj  
|Cc: billg; billn; steveb  
|Subject: FW: Apple and Win'95  
|Date: December 14, 1994 12:38PM

|I continue to hold the line in not giving them an official beta until they drop the law suite. Are You still OK with this?

|From: Kathleen Graves  
|To: Joachim Kempin  
|Subject: Apple and Win'95  
|Date: Wednesday, December 14, 1994 2:41PM

|Joachimk;

|Apple is expected to begin shipping Windows and MS-DOS on the 6100 and now on the Performa (their high volume 900K system) mass merchant consumer product beginning in January. I am expecting, conservatively, they will ship 100K systems with an aggressive upside potential of 250K in CY'95.

|Because of their new "Intel compability" they have become even more anxious to get started testing Win'95. They want a Win'95 beta and they want to be treated like any other Win'95 OEM. Until now, we have continued to push back on them for a Win'95 beta or support but now almost anyone who is involved in this business (vars, small oems, corporate, etc.) has a beta copy. They are turning up the heat to get a beta and get regular OEM support. They are threatening to escalate by having Ian Diery contact Steveb or Spindler calling Billg. The intent of the call would be to ask that MS treat them like any other OEM when it comes to Win'95 since they are licensing MS-DOS/Windows on their systems.

|By the way, I understand from an outside source that OS/2 WARP does not run on the Apple Intel compatible systems (this is unconfirmed by MS directly). They have not used OS/2 WARP as a threat in the past but I expect it will become one if we are not willing to work with them on Win'95.

|We need to decide how to proceed with Apple. We are working on setting up a meeting between Ian Diery and Steveb (an old meeting that Steveb requested) which has not been arranged yet due to scheduling issues. I suspect this will also come up as an issue in that meeting.

|Kathleen

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