

From joachink Mon Nov 5 09:46:15 1990
To: bobkr richardf
Cc: paulma tonylau
Subject: RE: ISC & VP/ix
Date: Mon Nov 05 10:30:29 1990

HIGHLY
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Vpix:
If phoenix sells to another entity, they are obliged to sell Vpix with
the DOS if the other entity does not have a per system DOS license with
us.

>From bobkr Sat Nov 3 11:50:25 1990
To: joachink richardf
Cc: paulma tonylau
Subject: RE: ISC & VP/ix

Date: Sat Nov 3 11:48:22 1990

Agreed. I can probably keep ISC from getting source rights. The larger
problem is continuing the per system deal for VP/ix. I don't know what's
in the Phoenix agreement that keeps this intact if VP/ix is ever sold to
another entity.

I'm just exercising a bit of caution in raising this issue. I don't know
for a fact that there is a problem, but don't want to be caught off guard
either.

Has anyone in OEM actually reviewed the Phoenix agreement in its current
state and advised on assignment, etc?

-bobkr

>From joachink Fri Nov 2 18:38:15 1990
To: bobkr richardf
Cc: paulma tonylau
Subject: RE: ISC & VP/ix
Date: Fri Nov 02 19:20:18 1990

The source for DOS was "given" (10k) to Phoenix in return for not
developping a comparable clone product. old Harris deal. If ISC wants
rights
to that we can discuss.

But we need to keep the per system deal for Vpix intact

>From bobkr Wed Oct 24 20:26:58 1990
To: joachink richardf
Cc: paulma tonylau
Subject: ISC & VP/ix

Date: Wed Oct 24 20:24:51 1990

I learned today that ISC is planning to buy out Phoenix's rights to
VP/ix. ISC has plans to enhance it for the X86 marketplace. My
contact said they were NOT planning to port it to any other platform,
but I'm suspicious.

However, I'm concerned about our agreement with Phoenix. Phoenix had
source rights and ISC has asked for same. I've put them off citing
standardization and Phoenix's original reason for having sources.
The larger concern is that our deal with Phoenix states that they
must always license a copy of DOS with VP/ix. This established the
mechanism by which we "persuaded" the other VP/ix (and Marge 386)
customers that they too had to ship DOS with the emulator

I want to ensure that we don't let anyone slip into DRI's camp. It
might be worthwhile to review Phoenix's agreement to know our options
(or if there's even a need to worry). I don't have a current copy.

Any comments re. the above are welcome. Please note that this info
was provided on a CONFIDENTIAL basis. SCO is certainly not aware.

-bobkr

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Plaintiff's Exhibit

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Comes V. Microsoft

RBC 002030