

RECEIVED JAN 27 1992

1 L. R. Rayburn, AIA
2 21 West Hughes Street
3 First Floor
4 Baltimore, Maryland, 21230

5 January 19, 1992

6 Ms. Linnet Harland
7 Legal Department
8 Digital Research,
9 70 Garden Court,
10 Monterey, California, 93940

11 RE: DRDOS6.0

12 Dear Ms. Harland:

13 I am writing you to review the problems caused to my company and
14 its operations by the catastrophic failure of your DRDOS6.0
15 product. I have dealt at length with your Technical Support
16 Department on these issues. They have done everything they can.
17 They were unable to solve the problems. I am now writing you in
18 order to find out what I must do to be compensated for the damage
19 to my company; for the very real and quantifiable loss of time,
20 productivity, and data.

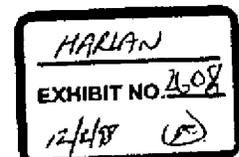
21 Below please find a review of the sequence of events:

22 10/15/91 Purchased DR DOS6.0
23 11/06/91 Backed up HD with Fastback 2.01
24 11/7/91 Installed DR DOS6.0. Prior to loading DRDOS6.0, I
25 reformatted the HD, and ran my IBM hardware
26 diagnostic programs on the machine to ensure
27 that there were no problems. Thus, DRDOS was
28 loaded onto a clean HD, and onto a machine that
had no problems.
However, a number of difficulties occurred after
installation. After several days of calling,
leaving voice mail messages, and several faxes, I
was contacted by your technical support
department. Pam, of that department, was very
helpful and the problems appeared to have been
worked out.
One of the problems was sluggish Windows
performance. I was told that an update disk would
be sent to me that would improve Windows
performance. I have never received the disk.

410-752-0984

410-752-0986 (fax)

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Plaintiff's Exhibit

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Comes V. Microsoft

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2 After the installation glitches were resolved, and
3 the system was operating smoothly, I used the
4 SuperStor utility to compact data. I compacted
5 the entire HD and began operating.

6 11/9/91 Continued using both DRDOS and SuperStore on my
7 to machine. Occasionally suffered minor glitches:
8 12/11/91 computer "freeze ups"; disks not being read in A
9 and B drives (which, at the time, I assumed to be
10 old disk, but see more below); etc.; but they were
11 either corrected or went away.

12 12/11/91 During the day and night of 12/10, substantial
13 work was done and saved on the C drive. A number
14 of files were deleted. These files were held in
15 the "pending delete" category by SuperStore. On
16 the morning of 12/11, in preparation for a HD
17 backup, I ran the CHKDSK utility without any errors
18 being noted. I then ran the DELPURGE utility.
19 Half way through deleting the files being held,
20 the machine froze up. When I rebooted, I got the
21 C prompt and nothing else. I could not get to the
22 DOS directory except by booting from the system
23 disk in the A drive. Even then, it was not
24 possible to open any directories. Please see
25 attached letter dated 12/11, and faxed to your
26 technical support department on the same day.

27 On the 12th, your technician, Pam, tried to figure
28 out what was wrong; but could not. She was sure
that the problem was in the SStor utility. She
then passed along the problem to Richard of your
technical support department. Over the next two
days, Richard and I worked on the problem.

When it became clear to Richard that the problem
lay in two areas-cross linking of files, and the
actions of the SStor Utility, I was sent a new,
unmarketed, update of DRDOS. The machine was
rebooted using this update, and number of attempts
made to open directories and to get the system
operating; to no avail. At the direction of both
Pam and Richard, I purchased and ran Norton Disk
Doctor on the HD; to no avail. The Norton Disk
Editor showed almost all of the directories as
vacant. Virtually all information on the disk was
stored in the DevSwap file; and that was
corrupted, and totally inaccessible.

Having recognized that the problem was in SStor,
Richard consulted with the manufacturer of this
program: to no avail.

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2 | At this point Richard suggested that I attempt
3 | backing up the SSPARTSS.SWP file. Only a minor
4 | fraction of the file backed up. Those few data
5 | files that did back up, I later discovered were
6 | all corrupted: none of the data was recoverable. I
7 | have included with this letter the disks from that
8 | backup attempt.

9 | At Richard's direction, I tried one last
10 | desperation attempt to at least copy the data on
11 | the HD to other disks: this failed.

12 | At this point Richard said that it was going to be
13 | impossible to recover the data, and that we might
14 | as well reformat the HD. Richard then said that
15 | he would send me a DRDOS update disk that would
16 | eliminate the problems which had occurred. In the
17 | interim we reloaded DRDOS using the interim update
18 | disk that had been sent me the day before.

19 | That evening, the 13th, I begin to reload my
20 | programs, from original program disks, onto the
21 | newly reformatted HD. A number of new problems
22 | began to occur: see the letter attached, faxed on
23 | the 14th. Among them: any disk used in the A or
24 | B drive became corrupted and unusable (Bad CRC
25 | Sector messages); my IBM Reference Disk became
26 | unusable; even when operating under DRDOS booted
27 | up from the new and "clean" updated system disk,
28 | the HD would freeze up sporadically; programs
29 | could not be loaded; and the speed of all drives,
30 | when they worked, was noticeable slower.

31 | On the 14th, I finally abandoned any effort to
32 | continue using DRDOS. I reformatted my HD;
33 | reinstalled both floppy drives; bought and
34 | installed MSDOS5.0; diagnosed all drives with
35 | Norton utilities; and began reloading programs
36 | from their original disks. Again, I found that
37 | any disk used under DRDOS during the period
38 | outlined above, was no longer readable, and could
39 | not be corrected by Norton Disk Doctor or PCTools
40 | Disk Fix.

41 | Among the data lost, and not backed up previously, were the
42 | following:

- 43 | 1. two project proposals; one due that Friday, the 13th,
44 | and the other on Monday, the 16th. Unable to retrieve
45 | this material from the HD; and there not being enough
46 | time to redo them, I was unable to submit them. One
47 | was for a project in my specialty, and for which there
48 | were very few competitors, and similar to one for which
49 | my company had just won an honor award from the

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2 American Institute of Architects. I think that it was
3 very likely that we would have won the contract: I
4 consider that the loss of this data equalled the loss
5 of this project.

6 2. a booklet that I was to have presented to the Baltimore
7 Planning Commissioner the morning of the 13th. The
8 booklet summarized six months of work on a community
9 development project. It had taken two months to
10 arrange a meeting with the Commissioner.

11 3. all of my just-updated and reformatted accounting files
12 4. updated address and telephone information

13 5. Critical Path schedules for several projects.

14 6. the following disks were rendered unreadable:

15 IBM original MSDOS 3.30;

16 IBM original Reference Disk

17 Several original Word Perfect 5.0 installation disks

18 Logitech Mouse Ver.4.0 installation and utilities disk

19 Aldus Pagemaker installation and utilities disks

20 I have now spent some 40 hours corrected all the erratic behavior
21 caused by your disk operating system and its data compression
22 utility. I have reconstructed most of the lost data. I have
23 replaced some of the damaged program and systems disks. Others I
24 have not had the time to replace, and because I have not been
25 able to run these programs, chiefly Pagemaker, I have suffered a
26 further loss of productivity. I have also had my IBM PS/2
27 checked over. No problems were found with the hardware.

28 Since the December 15th, I have been running under MSDOS5.0,
using the Stacker data compression software. I have experienced
none of the problems cited above. In fact, I have experienced no
problems whatsoever; I now have what I had before installing
DRDOS: a system that works, well and predictably.

The following are the quantifiable costs my business has borne
due to the catastrophic failure of your product:

21	1. time lost in dealing with		
22	the initial problems caused		
23	by your product; 17 hours at my		
24	discounted billing rate of		
25	\$70/hour:	\$1190	
26	2. cost of replacement IBM Reference		
27	Disk:	\$5	
28	3. cost of disks used in attempt to		
	back up DevSwap file	\$20	
	4. time spent reconstructing data;		
	and cleaning up HD:		
	40 hours at \$70/hour:	\$2800	
	5. loss of potential contracts:	\$15,000	(minimal)
	(see above item #1)		

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3 | In over ten years of serious computing, I have never had a
4 | product fail so catastrophically as did yours. I have had
5 | conversations with employees and clients of the Egghead and
6 | Software, Etc. stores here in the Baltimore area. I have
7 | discovered that I am not alone in experiencing difficulties with
8 | your product.

9

10 | I want to stress that I have nothing but respect and appreciation
11 | for the efforts of your technical support staff. Both Pam and
12 | Richard showed both an insightful technical knowledge of your
13 | product and a real understanding of my situation. I have no
14 | complaints about their efforts, only praise for them. I do
15 | wonder about a technical support program that takes days to
16 | reach, though. I know of no other manufacturer of software or
17 | hardware whose technical support department is as difficult to
18 | reach as was Digital Research's. I think that it must be
19 | apparent to even a neophyte marketer that it is not enough to
20 | bring to market a quality product: there has to be someone to
21 | stand behind the product. When, after my initial purchase of
22 | DRDOS, it took four days to finally reach someone in Technical
23 | Support, I was frustrated. After I had lost essential data due
24 | to the malfunctioning of your product, I was told by Jody
25 | Clifton, a senior manager of your technical support department,
26 | that the problem was probably in my hardware, and well, these
27 | things happen, so what was I so frustrated by? Furthermore that I
28 | should understand that due to the overwhelming success of
29 | DRDOS6.0, I should be patient. After hearing that, I was more
30 | than frustrated.

31 | The problems that I experienced, and believe others have
32 | experienced, go way beyond technical glitches. They have to do
33 | with the fundamental nature and design of the integration of your
34 | disk operating system and the non-proprietary data compression
35 | utility you bundled with DRDOS6.0. Your technical staff admitted
36 | as much. The fact that you are going to issue an update to
37 | DRDOS6.0 that, as is my understanding from your technical staff,
38 | will primarily deal with the integration of your DOS and data
39 | compaction only further supports this.

40 | In my business, architecture and building, when I err, I have to
41 | remedy the situation: to make the situation whole again and to
42 | compensate those damaged. I work very hard on the development of
43 | documentation and design, my product, to ensure that this does
44 | not happen. On the two occasions when it has, I have not
45 | hesitated to remedy the situation, and to compensate my client's;
46 | and they remain my clients to this day.

47 | My business has suffered. I have lost an enormous amount of time
48 | remedying a problem which I had no part in creating.

49 | The mere refunding of the cost of this product will not suffice:
50 | it will not remotely come close to redressing the damage done. I

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2 want, and believe that it is extremely fair and reasonable of me
3 to expect, to be compensated for my time and some recognition
4 be given the opportunities lost to my business while recovering
5 from the damage your product caused.

6 On January 7th I called your legal department and left a message
7 about this problem, my extreme unhappiness about the situation,
8 and my desire to talk to someone about it. This was the
9 suggestion of Ms. Clifton your technical support department. I
10 have never received a return call. This did not surprise me.
11 I will not accept that "these things happen" and I just happened
12 to be the unlucky one this time. I will not just quietly go
13 away.

14 Very truly yours,

15 L. R. Rayburn, AIA

16 CC: Mr. Richard Williams
17 General Manager,
18 Digital Research, Inc.
19 Monterey, California

20 Mr. John Medved
21 Customer Satisfaction,
22 Novell, Inc.
23 122 East
24 1700 South
25 Provo, Utah, 84606-6194

26 Mr. Ray Noorda
27 President
28 Novell, Inc.
122 East
1700 South
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