

RECEIVED JAN 27 1992

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

4 January 19, 1992

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

8 RE: DRDOS6.0

9 Dear Ms. Harland:

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

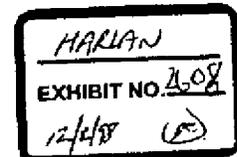
18 Below please find a review of the sequence of events:

19 10/15/91 Purchased DR DOS6.0  
20 11/06/91 Backed up HD with Fastback 2.01  
21 11/7/91 Installed DR DOS6.0. Prior to loading DRDOS6.0, I  
22 reformatted the HD, and ran my IBM hardware  
23 diagnostic programs on the machine to ensure  
24 that there were no problems. Thus, DRDOS was  
25 loaded onto a clean HD, and onto a machine that  
26 had no problems.  
27 However, a number of difficulties occurred after  
28 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  
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