From: Mike Porter

Sent: Wednesday, November 21, 2001 1:47 PM

To: Peter Biddle

Subject: FW: My personal take on INTEL

Tracking: Recipient Read

Peter Biddle Read: 11/21/2001 1:58 PM

It's been a long week

----Original Message-----

From: Bill Gates

Sent: Wednesday, November 21, 2001 12:07 PM

To: Mike Porter; Eric Rudder

Cc: Jim Allchin; Steve Ballmer; David W. Williams; Brian Schuster

Subject: RE: My personal take on INTEL

I went and read the enclosure.

I think we will have to live without a Chinese wall clause for the front end of the compiler.

Its too bad that all source code isn't Chinese wall but since Intel views their processor specifications as equivalent to source code we don't want all of these things subject to Chinese wall restrictions.

If we can move ahead having the CLR and backends having Chinese wall provisions then we should take the risk relative to the front end.

They still can't move our trade secrets or code to another front end but they can have common people work on those things.

Are there other issues outstanding here? Did I misunderstand the discussion?

----Original Message-----**From:** Mike Porter

Sent: Wednesday, November 21, 2001 11:47 AM

To: Bill Gates; Eric Rudder

Cc: Jim Allchin; Steve Ballmer; David W. Williams; Brian Schuster

Subject: RE: My personal take on INTEL

Additional hardware is already on the way, but I think they are all ear-marked for the NT Base team. I will research. Eric, we can get you systems. I'll ask for 200, but we'll see what we can get... production is much more limited on McKinley than on Merced. They are severely constrained... we have the vast majority of what they can produce onsite.

Eric, I think you are dead on about the EDA project. BrianV drove this hard, had an entire team in place to address every issue they came up with... and they did completely address that list: Intel still didn't migrate. I believe that was at least an 18 month project led by Stephanie Boesch, who did a great job. Intel did seem to express renewed interest in pushing their internal org here in the exec review yesterday It would be a huge step in fixing the cultural issues. That's why we've been pushing them for over 2 years on this at Bill and Steve's level.

Plaintiff's Exhibit
7022
Comes V. Microsoft

2/21/2003

MS-CC-MDL 000000480159 HIGHLY CONFIDENTIAL Eric, we should set up a meeting between you and Renee, who control allocation of the resources (bodies and systems). She's asked to meet you and she needs to hear your concerns. Well try and set that up in the next week.

The patent license will help, but it will not eliminate many of the specific concerns that are coming up, and won't solve any of Eric's stated concerns. We received our first draft of the compiler DA on June 8th. To my calculations, that means 5 months. I'm not sure where the 10 month figure came from. We thought we were ready to sign this week, with an agreement based on our standardized template agreement, but Eric asked us to go back to Intel and re-negotiate one more time for an additional change to the Chinese firewall provision. I pushed back this morning in email to Eric that we are at a point were doing what Eric suggests will set a precedent we have jointly agreed not to set with Intel at a broader relationship. We don't ask for Chinese walls on anything except "Crown Jewels" (i.e. compiler backends, OS kernels, Intel RTL "silicon" code, etc.) or Intel would reciprocate (based on discussions with them) and try to put the same Chinese firewalls in place with us on their red book materials (and they'd LOVE to do that to us given our work with AMD) I told Eric I'd go back to Intel, but only if JimAll or BillG agrees that this is worth risking in the overall context of the broader relationship, knowing full well that we will get asked to start doing the same thing and they will have to get involved in the future. Details on the specifics of Eric's issues are in the attached email thread. I am still waiting for a decision on how to proceed here... which is only adding time to clock.

-----Original Message-----

From: Bill Gates

Sent: Wednesday, November 21, 2001 11:07 AM

To: Eric Rudder

Cc: Jim Allchin; Mike Porter; Steve Ballmer **Subject:** RE: My personal take on INTEL

This email was very helpful.

We expect to close some kind of patent cross license in the next month which should help get things going better.

We used the example of helping us with our compilers as a prime example where things should be easy to get going.

Not getting hardware surprises me. Mike Porter should be able to help with that.

-----Original Message-----From: Eric Rudder

Sent: Tuesday, November 20, 2001 8:08 AM

To: Bill Gates; Steve Ballmer

Cc: Jim Allchin; Christine Turner; Dorothy Veith; Debbie Hill

Subject: My personal take on INTEL

Importance: High

I know you are meeting w. Intel today – here are some thoughts I would like to share and some status. (Chris, D/D, if Bill and Steve can see this mail before the mtg, that would be great.)

It's way too hard to get anything done w. these guys. We need a new master
agreement, where a PM can simply work off a template to create a new "project."
in the absence of this it takes MONTHS to get things done that should literally take
minutes.

We do not have a signed agreement yet with Intel to work on the CLR and Compiler. I am

actually optimistic we will close on this, but it's ridiculous that it languished for 10 months before I got here, and I have had to personally spend hours driving.

We need help on:

- Floating Point
- CLR
- 64-bit

FP is a case where we have fallen behind Linux, thanks to Intel's great work w. Linux compilers. They can also help us with the Math libraries and some OpenMP stuff. We want access to their benchmark/test suites. It's crazy that we can't get Intel to do Windows first, then Linux (if they must.)

The CLR work would mostly be around optimization for XScale and tuning. Intel may say they are doing work around this – the truth is we are seeing very little results.

64bit is the biggest no-brainer. In addition to help from people (for both compiler and JIT), we also have an ask for hardware. My group wanted me to ask for 200 boxes! I think this is too many, but even 25 could make a big difference (and yes, we are smart abt using terminal server, etc – we have many, many configs.) I also have a personal ask that if we do the 64bit work that we get INTEL.COM to be a 64bit ASP.NET sites.

If we don't get Intel off of Linux internally (the failed EDA project) – we will never get the *cultural* alignment that we want. There are simply too many folks at Intel who use/love the stuff and want to improve it. We can *not* stop trying to win this project.

My two cents.

-Eric