1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3

4

5 UNITED STATES OF AMERICA,)
6 Plaintiff,)
7 vs.) No. CIV 98-1232(TPJ)
8 MICROSOFT CORPORATION,) VOLUME III
9 Defendant.) CONFIDENTIAL
10

11

12

13 DEPOSITION OF BILL GATES, a witness
14 herein, taken on behalf of the plaintiffs at
15 9:11 a.m., Wednesday, September 2, 1998, at One
16 Microsoft Way, Redmond, Washington, before Kathleen
17 E. Barney, CSR, pursuant to Subpoena.

18

60-7371-0014
DEPARTMENT OF JUSTICE
SEP -3 1998
ANTITRUST DIVISION
SAN FRANCISCO OFFICE

19

20

21

22

23 REPORTED BY:
Kathleen E. Barney,
24 CSR No. 5698
Our File No. 1-49196
25

1 time somebody sent an e-mail, part of the subject of
2 which was DR DOS, and then this someone unidentified
3 deleted the e-mail. Was that you, sir? Was this
4 someone that you're referring to you?
5 A. I think it's true in general that not
6 every message that everyone here ever received about
7 DR DOS would have necessarily been preserved by them
8 because most people here delete most of the e-mail
9 they receive every day.
10 In terms of me in particular, it's
11 possible that sometime in history -- I'd say it's
12 even likely -- I received a message about DR DOS that
13 I didn't choose to keep. I don't keep most e-mail I
14 receive.
15 Q. Is there a message relating to DR DOS
16 that not only did you choose to delete, but did you
17 ask somebody else to delete?
18 A. No.
19 Q. Is there any message relating to DR DOS
20 that you recall deleting?
21 A. Well, since I delete 98 percent of my
22 e-mails, I think it's likely that once there was a
23 message about DR DOS that I deleted, but I don't
24 recall any specific message.
25 Q. That's what I'm asking. I'm not asking

1 what was likely. I'm asking whether there was any
2 message, in whole or in part, relating to DR DOS that
3 as you sit here now under oath you can tell me that
4 you remember deleting or causing to be deleted?
5 A. No.
6 Q. When was the last time you think it is
7 likely that you deleted a message relating to DR DOS?
8 A. Well, I don't think I've gotten a
9 message that related to DR DOS in the last five
10 years.
11 Q. Have you deleted messages not only that
12 you have received with respect to DR DOS but also
13 messages that you have sent?
14 A. I don't preserve messages that I send,
15 so there's no --
16 Q. You never preserve messages that you
17 send?
18 A. I don't preserve them. There is the
19 extremely rare case, which I've done almost never,
20 where you copy yourself on the e-mail.
21 Q. And you don't either copy yourself or
22 copy some file or something like that?
23 A. No.
24 Q. I just want to be sure of your
25 testimony. Your testimony is you have never asked