

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DIANNE KELLEY and KENNETH HANSEN,	)	No. C 07-475 MJP
	)	
Plaintiffs,	)	
v.	)	
	)	
MICROSOFT CORPORATION, a Washington	)	DECLARATION OF
corporation,	)	TINA RIQUELMY
	)	
Defendant.	)	
	)	

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I, Tina Riquelmy, hereby declare as follows:

1. I am employed by Dell Inc. as a Product Marketing Manager. My responsibilities in this role included managing the Vista launch at Dell and managing the roll out of Vista onto all of Dell’s platforms. As part of this job, I was responsible for providing Dell’s marketing communications content to various Dell business and geographical segments around the world. I am over 18 years of age, and I have personal knowledge of the facts set forth herein.

2. In my position as a Product Marketing Manager, I am familiar with Dell’s participation in various marketing programs sponsored by companies with which we have a business relationship. One such program was Microsoft’s “Windows Vista Capable”

program.

3. Dell participated in Microsoft's "Windows Vista Capable" program in the second half of 2006 and early 2007 and took a number of steps to inform consumers about the program and about the "Windows Vista Capable" sticker that was affixed to certain Dell personal computers ("PCs"). We put this information in various forms on our web site, on product packaging and inserts, and on marketing materials.

4. Attached hereto as Exhibits "1" through "4" are copies of information concerning Microsoft Windows Vista and "Windows Vista Capable" computers that appeared as least as early as July 2006 on Dell's web site.

5. Attached hereto as Exhibits "5" and "6" are copies of information concerning Microsoft Windows Vista and "Windows Vista Capable" computers that appeared as least as early as mid-November 2006 on Dell's web site. Exhibit "6" explains the "Express Upgrade to Windows Vista" promotion.

6. Attached hereto as Exhibit "7" is a copy of a Frequently Asked Questions page concerning Microsoft Windows Vista, "Windows Vista Capable" computers, and the "Express Upgrade to Windows Vista" promotion that appeared as least as early as the beginning of January 2007 on Dell's web site.

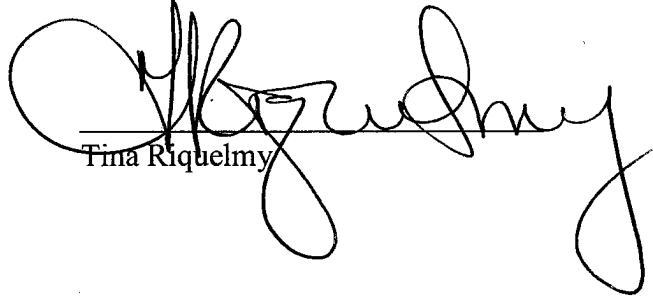
7. Attached hereto as Exhibit "8" is a copy of information that Dell included from on or around April 2006 until January 31, 2007 on or in the packaging of PCs that were labeled "Windows Vista Capable."

8. Dell has a return policy for the PCs and other products it sells. If a customer is not satisfied with the PC after receiving it and beginning to use it, the customer may return the PC to Dell, within twenty-one (21) days of the date on the packing slip or invoice, for a credit

or refund of the purchase price paid, less shipping and handling and any applicable restocking fee.

9. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 4 day of November, 2007, at 10:53 AM.

  
Tina Riquelmy