

COVINGTON & BURLING

KUNSTLAAN 44 AVENUE DES ARTS
B-1040 BRUSSELS
TEL 32 2 549 52 30
FAX 32 2 502 15 98
WWW.COV.COM

BRUSSELS
LONDON
WASHINGTON
NEW YORK
SAN FRANCISCO

DAVID L. HARFST*
(MEMBER OF THE WASHINGTON, D.C. BAR)

HENRIETTE TIELEMANS
(ADVOCAAT)

PETER BOGAERT
(ADVOCAAT)

DAVID W. HULL*
(MEMBER OF THE GEORGIA BAR)
(SOLICITOR, ENGLAND & WALES)

GEORG M. BERRISCH*
(RECHTSANWALT)

ALAIN STROWEL*
(AVOCAT)

GENEVIEVE MICHAUX*
(AVOCAT)
(AVOCAT AU BARREAU DE PARIS)

CÁNDIDO GARCÍA MOLYNEUX**
(ABOGADO)

ROCÍO SALVADOR ROLDÁN**
(ABOGADA)

DAVID VAN PASSEL*
(ADVOCAAT)

SIMONE E. HEITZ*
(RECHTSANWÄLTIN)

JARNO J. VANTO*
(OIKEUSTIETEEN MAISTERI)

17 February 2006

By Hand Delivery

Mr. Phillip Lowe
Director General
DG Competition
European Commission
B-1049 Brussels

Dear Director General Lowe,

Case COMP/C-3/37792 -- Microsoft

Further to our letter of 15 February 2006, we enclose the non-confidential version of Microsoft's Response to the Commission's Statement of Objections dated 21 December 2005. The non-confidential submission includes the following redactions:

Annex 2

- In paragraph 15, the amount of royalties paid by licensees under the MCPP is a confidential business matter.
- In paragraph 34, the agreements concluded between Microsoft and the licensees under the ActiveSync licensing program contain a confidentiality clause prohibiting the disclosure of the terms, including the year such agreements were executed.
- In paragraph 44, the terms of one of the referenced RDP agreements prohibits the disclosure of such licensee's identity. If the licensee consents that its name be disclosed, Microsoft would not object-

Annex 3

- In paragraph 2.6, the fifth, sixth and seventh sentences contain detailed technical content that is a confidential business secret.

COVINGTON & BURLING

- In Section B7, the screen shots labeled “Page 9800” and “Page 9792” on page 39 and “Page 9793” on page 40 contain detailed technical content that is a confidential business secret.

Annex 5

The following figures contain detailed technical content that is a confidential business secret:

- Figure 9, on page 9.
- Figure 10, on page 9.
- Figure 11, on page 10.
- Figure 14, on page 12.
- Figure 15, on page 13, as well as the paragraph immediately following Figure 15 summarizing such Figure.
- Figure 16, on page 14.

Annex 7

- In paragraph 18, a portion of the last sentence contains detailed technical content that is a confidential business secret.

Please note that no information was redacted from the Response itself as well as Annexes 1, 4, and 6, and the Exhibits.

Yours sincerely,

Georg M. Berrisch

Cc.: Ms. Karen Williams (without Attachment)
Mr. Ian Forrester, Esq. (without Attachment)