

JSC "Kaspersky Laboratory"  
Leningradskoye sh, 39 A, bld. 3,  
Moscow, 125212

Microsoft Corporation  
1 Microsoft Way, Redmond WA  
98052, USA

## RULING

### ON THE POSTPONEMENT OF THE HEARING OF THE CASE No. 1-00-168/00-11-16

14 February 2017

Moscow

The Commission of the FAS Russia on consideration of the case No. 1-00-168/00-11-16 on violation of antimonopoly legislation comprising Chairman of the Commission, Deputy Head of the FAS Russia Golomolzin A.N.; members of the Commission: Head of Department for Regulation of Telecommunications and Information Technology of the FAS Russia Zaeva E.A.; Deputy Head of Department for Regulation of Telecommunications and Information Technology Davydova A.I.; Head of Litigation Division of Legal Department of the FAS Russia Abakumova Y.I.; Head of Organizational Division of Administrative Department - Secretariat of the Head of the FAS Russia Medvedev N.N.; Deputy Head of Information Technology Division of Department for Regulation of Telecommunications and Information Technology of the FAS Russia Shirokov D.A.; Adviser of Division for International Communications of Department for International Economic Cooperation of the FAS Russia Atanasian A.G. (hereafter – the Commission),

having considered the case No. 1-00-168/00-11-16 on violation of Part 1 Article 10 of the Federal Law dated July 26, 2006 No. 135-FZ "On Protection of Competition" by Microsoft (One Microsoft Way, Redmond, WA 98052-6399, USA), expressed in non-provision by Microsoft Corporation of RTM-versions of Operational System (OS) of Windows 10 (OS version providing to developers of software for assuring compatibility with OS), in the timeframe necessary for adaptation of antivirus software of the third-party developers for correct work with Windows 10 OS,

#### ESTABLISHED:

During the regular hearing of the Commission on consideration of the within-named case, which was held on February 14, 2017, the defendant made a request in writing



for the submission by JSC "Kaspersky Laboratory" of replies to the questions raised in rulings of the FAS Russia of November 18, 2016 No. АГ/80481/16 and of December 12, 2016 No. АГ/90003/16 without marking it as "commercial secret".

During the hearing JSC "Kaspersky Laboratory" made a verbal petition for the submission to the case file materials documents that were previously submitted by Microsoft Corporation without marking it as "commercial secret".

In view of the aforesaid, as well as due to the necessity to obtain additional evidences, in accordance with Part 1 and 5, Article 47 of the Law on Protection of Competition,

**RULED:**

1. To postpone the examination of the case No. 1-00-168/00-11-16.
2. To schedule the case No. 1-00-168/00-11-16 for hearing on March 13, 2017 at 15:00 at 11 Sadovaya-Kudrinskaya St., Moscow, 123995, D-242, GSP-3, Room No. 140.
3. Microsoft Corporation (1 Microsoft Way, Redmond WA 98052, USA) is requested to submit the following information before February 17, 2017:
  - 3.1. Position on the merits of the case.
  - 3.2. Position on the possibility to declassify materials previously submitted by Microsoft Corporation.
  - 3.3. Documents (copies) previously submitted by Microsoft Corporation without marking it as "commercial secret".
4. JSC "Kaspersky Laboratory" (Leningradskoye sh, 39 A, bld. 3, Moscow, 125212) is requested to submit the following information before February 17, 2017:
  - 4.1. Position on the merits of the case.
  - 4.2. Position on the possibility to declassify materials previously submitted by JSC "Kaspersky Laboratory".
  - 4.3. Documents (copies) previously submitted by JSC "Kaspersky Laboratory" without marking it as "commercial secret".

The parties have the right to provide other documents and information, related to circumstances of the instant case.



Appearance of the defendant in the case No. 1-00-168/00-11-16 or his representatives (with power of attorney to participate in consideration of the case) is required.

Chairman of the Commission

A.N. Golomolzin

Members of the Commission:

E.A. Zaeva

A.I. Davydova

Y.I. Abakumova

N.N. Medvedev

D.A. Shirokov

A.G. Atanasian



Notes:

1. Case files are available for inspection at the FAS Russia in Room 107, contact tel. 499-755-23-23, ext.: 088-387, 088-182.
2. Copies of any documents submitted to the case files which are not notarized must be legalized in one of the following ways:
  - Every page is certified by the CEO's signature and a corporate seal or a signature of the empowered person (legal entity);
  - The pages are stitched, numbered and certified by the CEO's signature and a corporate seal or a signature of the empowered person (legal entity).
3. If submitted in the electronic form they should be legalized by the appropriate electronic signature.
4. Documents marked as "commercial secret" should be processed separately.
5. If an inspected person fails to submit or knowingly submits incorrect information and data to the federal antimonopoly body, this person shall be held liable in accordance with Part 5, Article 19.8 of the Code of the Administrative Offences of the Russian Federation.
6. Please order entry passes to the Russian FAS building for representatives of parties to the case three days in advance at the above telephone numbers.

Shirokov Dmitry  
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