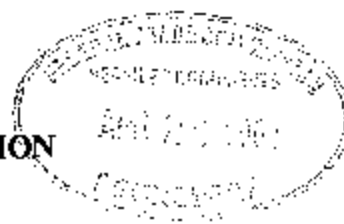


**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**



In the Matter of _____
MSC.SOFTWARE CORPORATION, _____
a corporation. _____

Docket No. 9299

**COMPLAINT COUNSEL'S OPPOSITION TO RESPONDENT'S
MOTION FOR A SECOND AMENDED SCHEDULING ORDER**

Following our April 25, 2002, status conference with the Court, the parties conferred by telephone regarding possible changes to the Amended Scheduling Order. The parties were unable to reach an agreement and, therefore, each party will address separately possible modification of the Amended Scheduling Order. Complaint Counsel will respond by April 30, 2002, to written motion submitted by Respondent MSC Software Corporation regarding possible changes.

Complaint Counsel urge the Court to maintain the current Amended Scheduling Order (except for two minor changes describe below) and to reject the proposed modifications offered by Respondent. There is no basis to slip the discovery and expert deposition deadlines or the trial date. Complaint Counsel have provided Respondent with a specific, focused trial witness list of 24 persons, including customers, other engineering software vendors, and former employees. MSC has already had nearly six months to pursue its discovery and MSC still has another month before the end of discovery.

I. COMPLAINT COUNSEL HAVE PROVIDED A SPECIFIC, FOCUSED TRIAL WITNESS LIST

A. The Amended Scheduling Order Properly Distinguishes Between Discovery and Trial Witness Lists

The Court's Amended Scheduling Order properly distinguishes between "preliminary" witness lists and "final" witness lists. Under the Court's order, the parties exchange preliminary witness lists at the outset of discovery and final witness lists following the close of discovery and before trial.

This approach conforms in principle with the practice of district courts that are governed by the Federal Rules of Civil Procedure. In district court litigation, the parties must make initial disclosures of "each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment." Fed. R. Civ. P. 26(a)(1)(A). This is the discovery witness list. A party fails to comply with this rule if it omits any individuals likely to have some discoverable or relevant information.

The Federal Rules of Civil Procedure also require the parties to exchange trial witness lists by 30 days or more before trial. This is a list "separately identifying those whom the party expects to present and those whom the party may call if the need arises." *Id.* at 26(a)(3). Thus, the trial witness list is bifurcated – between "expected" witnesses and "may call" witnesses.

This Court's scheduling order is consistent with the approach taken by the Federal Rules of Civil Procedure in that it provides for an early discovery witness list and a later trial witness list. MSC has essentially advocated a new case-management system in which litigants would be required to provide a trial witness list during the discovery period or even at the outset of the discovery period. There is no support in Commission practice or U.S. district court litigation for this inverted approach.

Indeed, U.S. civil litigation is based on fundamental distinctions between the discovery period (in which the parties analyze the relevant facts), the pretrial period (in which the parties make focused pretrial disclosures and exchange pretrial briefs), and the trial.

B. Complaint Counsel's Trial Witness List

In order to ensure that the Court's Amended Scheduling Order governing the discovery, pretrial, and trial phases remain in place, Complaint Counsel is now providing a list of witnesses it "expects" to call at trial. The list below includes 24 witnesses.¹ Many of these witnesses – particularly the customer witnesses – would be called to testify on a narrow range of issues in a relatively brief examination. It is our hope to put on our case in about three weeks, with relatively brief examination of customer or third party witnesses.

Customers

Boeing

Anita Boedeker, procurement agent
Gerald Young, engineer and scientist
Rudolph Yurkovich, manager

DaimlerChrysler

John Hirshey, manager

Ford

Richard Radtke, former manager

General Motors

Tom Tecco, manager

Hughes Satellite (Boeing)

¹ MSC compares the 39 non-expert witnesses appearing on Complaint Counsel's supplemental revised witness list to the number of witnesses appearing in other merger matters in its arguments before the Court on April 25, 2002. (Neither *Schering Plough* nor *Summit Technology* were merger cases.) All of those cases were preliminary injunction actions except for *R.R. Donnelly*. In *R.R. Donnelly*, the only other merger case tried on the merits, 40 witnesses were called by Complaint Counsel.

Anthony Shimko (Hughes Satellite), engineer

Edward Spiegel (Hughes Satellite), manager

Lockheed Martin

Mark Westphal, manager, Lockheed Martin EPI Center

Shawn Smolsky, former lead engineer, Lockheed Martin EPI

Warren Smith, consultation engineer, Lockheed Martin Missiles and Fire Control

McDonnell Douglas (Boeing)

Donald Ladwig (McDonnell Douglas), business planning analyst

John Coyle (McDonnell Douglas), manager

TRW

Suresh Pillay, manager, Space & Technology

U.S. Government

Sandra M. Irish, group leader, NASA Goddard Space Flight Center

Joseph Rogers, section chief, NASA Johnson Space Center

Cray J. Henry, director, DoD's High Performance Computing Modernization Program

Gordon Everstine, former scientist, Naval Surface Warfare Center, Carderock Division

Engineering Software Vendors

ANSYS

Michael J. Wheeler, Vice President Marketing

Joe Solecki, chief technical officer

Electronic Data Systems./PLM Solutions

Chuck Grindstaff, President of Lifecycle Management Products for PLM Solutions

Schaeffer Automated Systems

Dr. Harry Schaeffer, President

Former MSC Employees

Dennis Nagy, formerly MSC Senior Vice President of Worldwide Sales

Rakesh Allahabadi, formerly MSC Senior Nastran Product Manager

C. MSC's Witness List

MSC has never provided a list of persons it would call at trial. It has only provided a list of 68 third-party witnesses without identifying any actual witnesses from these firms. See Exhibit A (Respondent's Revised Witness List (March 1, 2002)).

II. THE COURT'S AMENDED SCHEDULING ORDER SHOULD BE ENFORCED

A. Historic Context

The Complaint was filed in this matter on October 9, 2001. On November 13, 2001, the Court entered its Scheduling Order setting March 29, 2002, as the deadline for discovery and April 19, 2002, as the deadline for expert depositions. Without having taken any depositions, MSC moved the court on February 11, 2002, to extend the trial date. It claimed that it needed additional time to undertake discovery and develop its case, including substantial third-party discovery. *See, e.g.*, Respondent MSC Software Corporation's Motion to Extend Trial Date (February 11, 2002) at 3. In response to MSC's motion, Your Honor entered a Revised Scheduling Order on March 5, 2002, expanding the deadlines for discovery to May 28 and for expert depositions to May 31, 2002. In both scheduling orders, discovery and expert depositions are to be completed prior to pre-trial briefing.

MSC did not take its first deposition until April 6 when it began to depose executives from ANSYS, another engineering software vendor. MSC has now completed a total of five depositions, four with ANSYS and one with Lockheed Martin, one of MSC's largest Nastran customers.

B. Existing Deadlines for Discovery and Expert Depositions Should Be Retained

The existing Scheduling Order, except for minor revisions noted below, should be retained. The parties have had ample opportunity to conduct discovery, including third-party discovery.² They have had nearly seven months to identify witnesses and conduct third-party discovery. Indeed, the

² Indeed, MSC has pursued document discovery against 50-some third-party firms as well as obtaining all documents supplied to the Commission during its non-public investigation.

parties still have 30 days to complete discovery.

Additionally, to allow discovery and depositions of experts to bleed into June would interfere with the Court's sensible scheduling order, including pretrial briefs that will aid the Court. Following the end of discovery on May 28 and the conclusion of expert depositions on May 31, 2002, counsel for both parties need to focus on preparing proposed findings of fact and pre-trial briefs as well as exhibit lists and final trial witness lists. June is already busy with a full range of trial preparation activities. Extending May dates into June will only undermine that trial preparation.

C. Depositions During Trial Should Not Be Permitted

MSC has asked the Court to allow depositions during the trial of this case. This is a radical proposal that the Court should reject. The Court's scheduling order requires the case to proceed in three phases – discovery, pretrial disclosures, and trial. This approach is consistent with the Federal Rules of Civil Procedure, which make sharp distinctions between discovery, pretrial, and trial. *See* Fed. R. Civ. P. 16, 26. Likewise, the local court rules of all U.S. district courts separate discovery from pretrial and trial. *See, e.g.*, Rules of the U.S. District Court for the District of Columbia, Aug. 1, 1999, www.dcd.uscourts.gov.

Conducting discovery during trial is highly unusual. It is used occasionally during emergency preliminary injunction matters and other exceptional circumstances. A party seeking to take discovery during trial should carry a heavy burden of demonstrating that exceptional circumstances justify departure from the common practice of completing discovery in advance of trial. MSC has not done that. The Court should enforce its scheduling order requiring each party to complete its discovery work

in advance of trial.

D. The July 2, 2002, Trial Date Should Be Preserved

The July 2, 2002, trial date makes sense and should be preserved in the interest of judicial economy. Delaying the trial even a week could push the end of the trial into August or September and afford the Court less time to prepare its Initial Decision.

III. Minor Revisions to Scheduling Order

Complaint counsel have identified two minor housekeeping revisions to the Amended Scheduling Order that are needed.

First, the deadline for document requests and subpoenas, requests for admission, and interrogatories is now set for April 26. This deadline precedes the date MSC is to supply its supplemental revised witness list and its supplemental expert reports. It also precedes May 10, the date MSC has committed to supplying its electronic document production. Complaint Counsel propose that the deadline be moved to May 14, to allow for any further discovery that may be warranted in view of these discovery events occurring after April 26, 2002.

Additionally, the deadline for any rebuttal expert reports, if appropriate, is now set for April 26. However, this deadline precedes the deadline for MSC's supplemental expert reports now due on April 30. Thus, its not practical for Complaint Counsel to supply rebuttal reports that it may wish to supply by the current deadline. Thus, we propose the deadline be moved to May 14.

* * * * *

Complaint Counsel will submit a response by April 30 to any written motion filed by Respondent.



P. Abbott McCartney

Peggy D. Bayer

Michael G. Cowie

Kent E. Cox

Karen A. Mills

Nancy Park

Patrick J. Roach

Counsel Supporting the Complaint

Bureau of Competition

Federal Trade Commission

Washington, D.C. 20580

(202) 326-2695

Facsimile (202) 326-3496

Dated: April 26, 2002

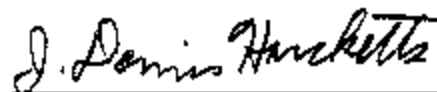
CERTIFICATE OF SERVICE

This is to certify that on April 26, 2002, I caused a copy of Complaint Counsel's Complaint Counsel's Opposition to Respondent's Motion for a Second Amended Scheduling Order to be served by hand-delivery to the following persons:

The Honorable D. Michael Chappell
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Tefft W. Smith, Esquire
Marimichael O. Skubel, Esquire
KIRKLAND & ELLIS
655 Fifteenth Street, N.W.
Washington, D.C. 20005
(202) 879-5034
Fax (202) 879-5200

Counsel for MSC Software Corporation



J. Dennis Hacketts

Exhibit A

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

IN THE MATTER OF)	
)	
MSC.SOFTWARE CORPORATION,)	Docket No. 9299
)	
a corporation.)	

**RESPONDENT MSC.SOFTWARE CORPORATION'S
REVISED WITNESS LIST**

Respondent MSC.Software Corporation ("MSC") hereby submits its revised witness list to Complaint Counsel. Identified below are the individuals who, at the present time, MSC intends to call as witnesses during the presentation of its case-in-chief or in rebuttal, together with a description of the proposed testimony.

MSC intends to supplement this list with names of individuals once it has completed its discovery. MSC also reserves the right to modify this witness list, subject to the requirements of the Scheduling Order, including the right to add or delete witnesses as appropriate and necessary. To the extent permitted by the Rules of Evidence and this Administrative Law Judge's Orders, MSC will further endeavor to streamline its case through the use of depositions, admissions, and interrogatory responses.

A. INDUSTRY WITNESSES – Current and Former Employees

MSC Software Corporation

**Frank Perna
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000**

Mr. Perna is Chairman and Chief Executive Officer of MSC. MSC expects that Mr. Perna will testify as to at least (a) the nature and scope of MSC's business, (b) the highly-competitive nature of the industry, (c) the general nature and performance of MSC's products, and (d) the reasons why MSC acquired Universal Analytics, Inc. ("UAI") and Computerized Structural Analysis and Research, Inc. ("CSAR").

**Lou Greco
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000**

Mr. Greco is the Chief Financial Officer of MSC. MSC expects Mr. Greco to testify as to at least (a) the highly-competitive nature of the industry, (b) the circumstances of MSC's acquisition of UAI and CSAR, (c) MSC's financial circumstances, and (d) the valuation of the CSAR and UAI assets.

Rick Murphy
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Murphy is the Senior Vice President, Global Sales Operations. MSC expects Mr. Murphy to testify as to at least (a) the highly-competitive nature of the industry, (b) the reasons why these pressures remain unaffected by MSC's acquisitions of UAI and CSAR, (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry, and (d) the nature and scope of MSC's business.

Michael J. Morgan
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Morgan is a Vice President at MSC and former President of UAI. MSC expects Mr. Morgan to testify as to at least (a) the highly-competitive nature of the industry, (b) the general nature and performance of MSC's and UAI's products, (c) as of 1999, the ineffectiveness of UAI as a competitor in the industry, and (d) the future prospects for UAI had MSC not acquired UAI.

Kenneth D. Blakely
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Blakely is a Senior Vice President at MSC. MSC expects that Mr. Blakely will testify as to at least (a) the highly-competitive nature of the industry, (b) the reasons why these pressures remain unaffected by MSC's acquisitions of UAI and CSAR, and (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Ronny H. Dyer
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Dyer is a Senior Director at MSC. MSC expects Mr. Dyer to testify as to at least (a) the highly-competitive nature of the industry, (b) the general nature and performance of MSC's products, (c) the nature and substance of MSC's contract negotiations for the licensing of MSC.NASTRAN and other MSC products in the periods before and after the MSC's acquisitions of UAI and CSAR, and (d) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Todd Brown
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Brown is a Senior Sales Representative at MSC. MSC expects Mr. Brown will testify as to at least (a) the highly-competitive nature of the industry, (b) the nature and substance of MSC's contract negotiations for the licensing of MSC.NASTRAN and other MSC products, and (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Robert Louwers
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Louwers is an Account Manager at MSC. MSC expects Mr. Louwers will testify as to at least (a) the highly-competitive nature of the industry, (b) the nature and substance of MSC's contract negotiations for the licensing of MSC.NASTRAN and other MSC products, and (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Bruce Hart
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Hart is a Director at MSC. MSC expects Mr. Hart will testify as to at least (a) the highly-competitive nature of the industry, (b) the nature and substance of MSC's contract negotiations for

the licensing of MSC.NASTRAN and other MSC products, and (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

George Riordan
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Riordan is a Member of MSC's Board of Directors. MSC expects that Mr. Riordan will testify as to at least (a) any presentation to MSC's Board of Directors regarding the acquisitions of UAI and CSAR, (b) the highly-competitive nature of the industry, and (c) the nature and scope of MSC's business.

Thomas Cully
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Cully is a Senior Account Manager at MSC. MSC expects Mr. Cully will testify as to at least (a) the highly-competitive nature of the industry, (b) the nature and substance of MSC's contract negotiations for the licensing of MSC.NASTRAN and other MSC products, and (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Thomas Curry
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Curry is a former President and Chief Executive Officer of MSC. MSC expects that Mr. Curry will testify as to at least (a) the nature and scope of MSC's business, (b) the highly-competitive nature of the industry, (c) the general nature and performance of MSC's products, and (d) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Edward Jones
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Jones is a former Senior Account Manager at MSC. MSC expects Mr. Jones will testify as to at least (a) the highly-competitive nature of the industry, (b) the nature and substance of MSC's contract negotiations for the licensing of MSC.NASTRAN and other MSC products, and (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Douglas Roach
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Roach is the Automotive Business Manager. MSC expects that Mr. Roach will testify as to at least (a) the highly-competitive nature of the industry, (b) the nature and substance of MSC's

contract negotiations for the licensing of MSC.NASTRAN and other MSC products, and (c) as of 1999, the ineffectiveness of UAI and CSAR as competitors in the industry.

Omar Ibrahim
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Ibrahim is the Director of Nastran Product Development. MSC expects that Mr. Ibrahim will testify as to at least (a) the highly-competitive nature of the industry, (b) the general nature and performance of MSC's, CSAR's and UAI's products, (c) as of 1999, the ineffectiveness of CSAR and UAI as competitors in the industry, (d) MSC's ability to enhance its products and improve its service because of the acquisitions, and (e) likely sources and nature of future competitive pressure.

Reza Sadeghi
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Sadeghi is the Senior Director – Multi-Physics and Manufacturing Technologies. MSC expects Mr. Sadeghi to testify as to at least (a) the highly-competitive nature of the industry, (b) the general nature and performance of MSC's, CSAR's and UAI's products, (c) as of 1999, the ineffectiveness of CSAR and UAI as competitors in the industry, (d) MSC's ability to enhance its products and improve its service because of the acquisitions, and (e) likely sources and nature of future competitive pressure.

David Dimas
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Dimas is the Director, Training and Support. MSC expects that Mr. Dimas will testify as to at least (a) the highly-competitive nature of the industry, (b) the general nature and performance of MSC's, CSAR's and UAI's products, (c) as of 1999, the ineffectiveness of CSAR and UAI as competitors in the industry, (d) MSC's ability to enhance its products and improve its service because of the acquisitions, (e) the changing nature of competitive pressures in the industry, and (f) issues related to training and support.

Ted Rose
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Rose is Manager of MSC's Training and Support. MSC expects that Mr. Rose will testify as to at least (a) the highly-competitive nature of the industry, (b) MSC's training and support, (c) the importance of training and support to customers, (d) the use of DMAPs, and (e) issues associated with conversion of legacy data.

Michael J. Reymond
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Reymond is the Senior Software Engineer -- DMAP Development. MSC expects Mr. Reymond to testify as to at least (a) the highly-competitive nature of the industry, (b) MSC's training and support, (c) the importance of training and support to customers, (d) the use of DMAPs, (e) issues associated with conversion of legacy data, including DMAPs, and (f) the differences between MSC's DMAPs and those offered by CSAR and UAI.

Charles Wilson
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Wilson is the Director of Nastran Senior Development Staff. MSC expects Mr. Wilson to testify as to at least (a) the highly competitive nature of the industry, (b) the evolution of MSC.Nastran, (c) significant developmental milestones in the evolution of MSC.Nastran, and (d) improvements made to MSC.Nastran as a result of the acquisitions.

Kevin Kilroy
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Kilroy is the Director Development Infrastructure. MSC expects Mr. Kilroy to testify as to at least (a) the highly competitive nature of the industry, (b) the evolution of MSC.Nastran, (c) significant developmental milestones in the evolution of MSC.Nastran, and (d) improvements made to MSC.Nastran as a result of the acquisitions.

David Haberman
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Haberman is the Business Development Manager, Training & Support. MSC expects Mr. Haberman to testify as to at least (a) the highly competitive nature of the industry and (b) the ability of other solvers to offer features and functionalities comparable to those available in MSC.Nastran.

Boma Koko
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Koko is MSC's Senior Director of CAE Simulation Data Management. MSC expects that Mr. Koko will testify as to at least (a) MSC's products and operations, and (b) competition in the industry.

Anil Mehta
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Mehta is MSC's Senior Director of Business Development and Product Marketing. MSC expects that Mr. Mehta will testify as to at least (a) competition in the industry, and (b) MSC's business development and product marketing.

Michael Ripp
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Ripp is Manager of MSC's Engineering Support for MSC's North American Eastern Region's Applications Engineers. MSC expects that Mr. Ripp will testify as to at least (a) the highly-competitive nature of the industry, (b) MSC's engineering support for Applications

Engineers, (c) the importance of training and support to customers, and (d) the ability of customers to switch FEA solvers.

James Swan
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Swan is Manager of MSC's Engineering Support for MSC's Aerospace Accounts Technical Support Division. MSC expects that Mr. Swan will testify as to at least (a) the highly-competitive nature of the industry, (b) MSC's engineering support for aerospace accounts, (c) the importance of training and support to customers, (d) the ability of customers to switch FEA solvers, and (e) MSC's customers' use of solver products.

Christopher Teague
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Teague is Products Release Manager for MSC. MSC expects that Mr. Teague will testify as to at least (a) the highly-competitive nature of the industry, (b) MSC's business development and product marketing, (c) MSC's customers' use of solver products, and (d) the training and support received from solver providers to MSC's customers.

Bill Jones
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Jones is Director, Expert Solutions Group for MSC. MSC expects that Mr. Jones will testify as to at least (a) the highly-competitive nature of the industry, (b) MSC's business development and product solutions, and (c) the ability of customers to switch FEA solvers.

Ramakrishna Swami Narayanswami
MSC Software Corporation
c/o Tefft W. Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

Mr. Narayanswami is the former Chairman and Chief Executive Officer of CSAR. MSC expects Mr. Narayanswami to testify as to at least (a) the highly-competitive nature of the industry, (b) the general nature and performance of CSAR's products, (c) as of 1999, the ineffectiveness of CSAR as a competitor in the industry, and (d) the future prospects for CSAR had MSC not acquired CSAR.

B. INDUSTRY WITNESSES – CUSTOMERS

ArvinMeritor, Incorporated

**Witness(es) to be determined
Vernon Baker, Esq., General Counsel
ArvinMeritor, incorporated
2135 W. Maple Road
Troy, MI 48084**

Witnesses from ArvinMeritor are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

BorgWarner, Incorporated

**Witness(es) to be determined
Laurene H. Horiszny, Esq., General Counsel
BorgWarner, Incorporated
200 S. Michigan Ave.
Chicago, IL 60604**

Witnesses from BorgWarner are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and

contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Caterpillar, Inc.

**Witness(es) to be determined
c/o Kurt Gelbach, Esq.
Caterpillar, Inc.
Peoria, IL 61629-1490**

Witnesses from Caterpillar are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Daimler Chrysler Corp.

**Witness(es) to be determined
c/o Allan M. Huss, Esq.
DaimlerChrysler Corp.
Auburn Hills, MI 48236-2766**

Witnesses from Daimler Chrysler are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA

solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Dana Corporation

Witness(es) to be determined
c/o Michael L. DeBacker, Esq.
General Counsel
Dana Corporation
4500 Dorr Street
Toledo, OH 43615

Witnesses from Dana are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Deere & Company

**Witness(es) to be determined
c/o James R. Jenkins, Esq.
General Counsel
Deere & Company
World Headquarters
One John Deere Place
Moline, IL 61265**

Witnesses from Deere are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Delphi Automotive Systems

**Witness(es) to be determined
c/o Logan G. Robinson, Esq.
General Counsel
World Headquarters and Customer Center
5725 Delphi Dr.
Troy, MI 48098-2815**

Witnesses from Delphi are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA

solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Eaton Corporation

Witness(es) to be determined
Eaton Corporation
1111 Superior Ave.
Cleveland, OH 44114-2584

Witnesses from Eaton are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house coders or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Ford Motor Company

Witness(es) to be determined
c/o Stephen D. Bollerjack, Esq.
Ford Motor Company
World Headquarters, Room 418
Dearborn, MI 48121-1899

Witnesses from Ford are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using

FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

General Motors Corporation

**Witness(es) to be determined
c/o William B. Slowey, Esq.
General Motors Corporation
300 Renaissance Center
MC 482-C24-C66
Detroit, MI 48265-3000**

Witnesses from General Motors are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Honda North America, Inc. (American Honda Motor Co., Inc.)

Witness(es) to be determined

**Honda North America, Inc. (American Honda Motor Co., Inc.)
1919 Torrance Blvd.
Torrance, CA 90501**

Witnesses from Honda are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Johnson Controls, Incorporated

Witness(es) to be determined

**c/e John P. Kennedy, Esq.
General Counsel
Johnson Controls, Incorporated
5757 N Green Bay Ave
Glendale, WI 53209**

Witnesses from Johnson Controls are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching

between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Lear Corporation or Lear Automotive Systems

Witness(es) to be determined

Lear Corporation or Lear Automotive Systems

21557 Telegraph Road

P.O. Box 5008

Southfield, MI 48086

Witnesses from Lear are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Lockheed Corporation

Witness(es) to be determined and

**Carlos Blvins
Shawn Smolsky
Janice Beights
Warren Smith
Fred Bay
Lockheed Corporation
c/o Craig P. Seebald, Esq.
McDermott, Will & Emery
Washington, DC 20005-3096
(202) 756-8127**

Witnesses from Lockheed are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Magna International of America, Inc.

**Witness(es) to be determined
Magna International of America, Inc.
600 Wilshire Drive
Troy, MI 48084**

Witnesses from Magna are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and

hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Navistar International Corporation

Witness(es) to be determined
Navistar International Corporation
4201 Winfield Road / P.O. Box 1488
Warrenville, IL 60555

Witnesses from Navistar are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Nissan North America

Witness(es) to be determined
Nissan North America
18501 S. Figueroa St.
P.O. Box 191
Gardena, CA 90248-0191

Witnesses from Nissan are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Robert Bosch Corp.

Witness(es) to be determined
c/o Robert Caston, Esq.
Counsel
Robert Bosch Corp.
Broadview, IL 60153-4594

Witnesses from Robert Bosch are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching

between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Toyota United States

Witness(es) to be determined
Toyota United States
19001 S. Western Ave.
Torrance, CA 90509-2991

Witnesses from Toyota are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

TRW Automotive Products Incorporated

Witness(es) to be determined
c/o William B. Lawrence, Esq.
General Counsel
TRW Automotive Products Incorporated
1900 Richmond Rd.
Lyndhurst, OH 44124

Witnesses from TRW Automotive are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded

FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Visteon Corporation

Witness(es) to be determined
c/o Stacy Fox, Esq.
General Counsel
Visteon Corporation
Global Headquarters
5500 Auto Club Dr.
Dearborn, MI 48126

Witnesses from Visteon are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Airbus Industrie of North America, Inc.

**Witness(es) to be determined
c/o Renee Martin-Nagle, Esq.
Senior Counsel
Airbus Industrie of North America, Inc
198 Van Buren Street, Suite 300
Herndon, Virginia 20170**

Witnesses from Airbus are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Bath Iron Works Corporation

**Witness(es) to be determined
Bath Iron Works Corporation
700 Washington Street
Bath, ME 04530**

Witnesses from Bath Iron Works are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching

between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Bell Helicopter Textron, Inc.

**Witness(es) to be determined
Bell Helicopter Textron, Inc.
600 East Hurst Boulevard
Hurst, TX 76053**

Witnesses from Bell Helicopter Textron are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

The Boeing Company

**Witness(es) to be determined
The Boeing Company
c/o Mark W. Reardon, Esq.
2810 160th Avenue S.E.
Mail Code 7A-65
Bellevue, WA 98008**

Witnesses from Boeing are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and

hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Bombardier Aerospace

Witness(es) to be determined
Bombardier Aerospace
400 chemin de la Cote-Vertu West
Dorval, Quebec
Canada H4S 1Y9

Witnesses from Bombardier are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Cessna Aircraft Company

**Witness(es) to be determined
c/o Matthew Flesher, Esq.
Cessna Aircraft Company
1 Cessna Boulevard
Wichita, KS 67215**

Witnesses from Cessna are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Department of Defense

**Witness(es) to be determined
High Performance Computing Modernization Program
U.S. Department of Defense
c/o Kathy A. Brown, Attorney
Office of General Counsel
The Pentagon
Arlington, VA
(703) 695-3413**

Witnesses from the Department of Defense are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes

or embedded FEA solvers compete with, or substitute for, commercial FEA solvers within the organization, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

**Witness(es) to be determined
c/o Stephen H.S. Tryon, Counsel
Naval Surface Warfare Center
Carderock Division
Bethesda, MD
(301) 227-3566**

Witnesses from the Naval Surface Warfare Center are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the organization, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Electric Boat Corporation

Witness(es) to be determined
Electric Boat Corporation
75 Eastern Point Road
Groton, CT 06340

Witnesses from Electric Boat are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Embraer Aircraft Corporation

Witness(es) to be determined
Embraer Aircraft Corporation
276 S.W. 34th Street
Fort Lauderdale, FL 33315

Witnesses from Embraer are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching

between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

General Electric Company

Witness(es) to be determined
General Electric Company
3135 Easton Turnpike
Fairfield, CT 06431

Witnesses from General Electric are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Goodrich Corporation

Witness(es) to be determined
c/o M. Kevin Ryan, Esq.
Goodrich Corporation
225 Hillsborough Street
Raleigh, NC 27603

Witnesses from Goodrich are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA

solvers compete with or substitute for commercial FEA solvers within the company, (c) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Honeywell International

Witness(es) to be determined
Honeywell International
P.O. Box 2245
Morristown, NJ 07962-2245

Witnesses from Honeywell are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

NASA

Witness(es) to be determined
c/o Louis Duraya
Assistant General Counsel
NASA Marshall Space Flight Center
Marshall Space Flight Center, AL 35812
(256) 544-0020

Witnesses from Nasa Marshall are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using

FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the organization, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Witness(es) to be determined
NASA Langley Research Center
100 NASA Road
Hampton, VA 23681-2199
(757) 864-1000

Witnesses from Nasa Langley are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the organization, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Witness(es) to be determined
c/o Lawrence F. Watson
Chief Counsel
NASA Goddard Space Flight Center
Greenbelt, MD 20771
(301) 286-9181

Witnesses from Nasa Goddard are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the organization, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Witness(es) to be determined
Johnson Manned Space Flight Center
c/o Michael Winchell
Chief Counsel
NASA Johnson Space Center
Houston, TX 77058
(281) 483-3021

Witnesses from Nasa Johnson are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the organization, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching

between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Witness(es) to be determined
NASA Glenn Research Center
Lewis Field
21000 Brookpark Road
Cleveland, OH 44135
(216) 433-4000

Witnesses from Nasa Glenn are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the organization, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Witness(es) to be determined
c/o Kerry Dolan, Counsel
Jet Propulsion Laboratory
California Institute of Technology
Pasadena, CA 91125
(818) 354-2032

Witnesses from JPL are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract

negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Northrop Grumman Corporation

**Witness(es) to be determined
c/o William Burks Terry, Esq.
Northrop Grumman Corporation
1840 Century Park East
Los Angeles, CA 90067**

Witnesses from Northrop/Grumman are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Orbital Sciences Corporation

**Witness(es) to be determined
c/o Susan Herlick, Esq.
Orbital Sciences Corporation
21700 Atlantic Boulevard
Dulles, VA 20166**

Witnesses from Orbital are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and

hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Raytheon

**Witness(es) to be determined
c/o Thomas Hyde Sr., Esq.
Raytheon
141 Spring Street
Lexington, MA 02421**

Witnesses from Raytheon are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Saab Aircraft of America, Inc.

**Witness(es) to be determined
Saab Aircraft of America, Inc.
21300 Ridgeway Circle
Sterling, VA 20166**

Witnesses from Saab are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

Swales Aerospace, Inc.

**Witness(es) to be determined
Swales Aerospace, Inc.
5050 Powder Mill Road
Beltsville, MD 20705**

Witnesses from Swales are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching

between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

TRW, Inc.

Witness(es) to be determined
c/o David Goldstein, Esq.
TRW, Inc.
1900 Richmond Road
Mail Stop 3W
Cleveland, OH 44124

Witnesses from TRW are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

United Space Alliance, LLC

Witness(es) to be determined
United Space Alliance, LLC
1150 Gemini Avenue
Houston, TX 77058

Witnesses from USA are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA

solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

United Technologies Corporation

**Witness(es) to be determined
United Technologies Corporation
Financial Plaza
Hartford, CT 06101**

Witnesses from UTC are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers, (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

C. INDUSTRY WITNESSES – COMPETITORS

Algor Inc.

**Witness(es) to be determined
c/o David Armstrong and Dickie McCamie
Algor Inc.
150 Beta Drive
Pittsburgh, PA 15238-2932
(412) 392-5227**

Witnesses from Algor are expected to testify as to at least (a) the nature and scope of Algor's business, (b) the nature and functionality of solvers offered by Algor, and (c) competition in the industry.

ANSYS Inc.

Witness(es) to be determined and

**Jim Cashman
Pari Johnson
Joe Solecki
Mark Imgrund
David Secunda
c/o Thomas Donovan
Kirkpatrick & Lockhart
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222
Tel: (412) 355-6500**

Witnesses from ANSYS are expected to testify as to at least (a) the nature and scope of ANSYS's business, (b) the nature and functionality of solvers offered by ANSYS, and (c) competition in the industry.

ATIR Engineering Software Development Ltd

Witness(es) to be determined
ATIR Engineering Software Development Ltd
3314 West Rance Terrace
Chicago, IL 60645-3831
(800) 644-6441

Witnesses from ATIR are expected to testify as to at least (a) the nature and scope of ATIR's business, (b) the nature and functionality of solvers offered by ATIR, and (c) competition in the industry.

CDH America, Inc.

Witness(es) to be determined
CDH America, Inc.
2533 N Carson St.
Carson City, NV 89706

Witnesses from CDH America are expected to testify as to at least (a) the nature and scope of CDH America's business, (b) the nature and functionality of solvers offered by CDH America, and (c) competition in the industry.

Dassault Systems of America Corp.

Witness(es) to be determined
Dassault Systems of America Corp.
c/o Jim O'Connell
Shearman & Sterling
801 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 508-8000

Witnesses from Dassault Systems are expected to testify as to at least (a) the nature and scope of Dassault Systems's business, (b) the nature and functionality of solvers offered by Dassault Systems, and (c) competition in the industry.

Electronic Data Systems

Witness(es) to be determined
Electronic Data Systems
5400 Legacy Drive
Plano, TX 75024-3199

Witnesses from Electronic Data Systems are expected to testify as to at least (a) the nature and scope of Electronic Data Systems's business, (b) the nature and functionality of solvers offered by Electronic Data Systems, and (c) competition in the industry.

Hibbitt, Karlsson & Sorensen, Inc. (HKS)

Witness(es) to be determined
c/o Michael Goldenberg, Esq.
Barbara Cohen, Esq.
Goldenberg & Mari
10 Weybosset Street
Providence, RI 02903
(401) 421-7300

Witnesses from HKS are expected to testify as to at least (a) the nature and scope of HKS's business, (b) the nature and functionality of solvers offered by HKS, and (c) competition in the industry.

INTES

Witness(es) to be determined
INTES Ingenieurgesellschaft für technische Software mbH
Schulze-Delitzsch-Str. 16
D-70565 Stuttgart, Germany
+49 (711) 7 84 99-0

Witnesses from INTES are expected to testify as to at least (a) the nature and scope of INTES's business, (b) the nature and functionality of solvers offered by INTES, and (c) competition in the industry.

Livermore Software Technology Corporation

Witness(es) to be determined
Livermore Software Technology Corporation
7374 Las Positas Road
Livermore, CA 94550

Witnesses from Livermore Software are expected to testify as to at least (a) the nature and scope of Livermore Software's business, (b) the nature and functionality of solvers offered by Livermore Software, and (c) competition in the industry.

LMS International

Witness(es) to be determined
LMS International
c/o Michael Weiner
Skadden Arps
Four Times Square
New York, NY 10036
(212) 735-2632

Witnesses from LMS are expected to testify as to at least (a) the nature and scope of LMS's business, (b) the nature and functionality of solvers offered by LMS, and (c) competition in the industry.

MACRO Industries, Inc.

Witness(es) to be determined
MACRO Industries, Inc.
1035 Putman Dr., Suite E
Huntsville, AL 35816

Witnesses from MACRO are expected to testify as to at least (a) the nature and scope of MACRO's business, (b) the nature and functionality of solvers offered by MACRO, and (c) competition in the industry.

Noran Engineering Corp.

Witness(es) to be determined
Noran Engineering Corp.
5182 Katella Ave., Ste. 201
Los Alamitos, CA 90720-2855

Witnesses from Noran are expected to testify as to at least (a) the nature and scope of Noran's business, (b) the nature and functionality of solvers offered by Noran, and (c) competition in the industry.

Parametric Technology Corporation

Witness(es) to be determined
c/o Thane Scott, Esq.
Palmer & Dodge
111 Huntington Avenue
Boston, MA 02199-7613
(617) 239-0154

Witnesses from Parametric Technology are expected to testify as to at least (a) the nature and scope of Parametric Technology's business, (b) the nature and functionality of solvers offered by Parametric Technology, and (c) competition in the industry.

Samtech

Witness(es) to be determined
Samtech
Parc Scientifique du Sart Tilman
Rue des Chasseurs-Ardennais, 8
B-4031 Liège (Angleur), BELGIUM
+32-(0)4-361 69 60

Witnesses from Parametric Technology are expected to testify as to at least (a) the nature and scope of Samtech's business, (b) the nature and functionality of solvers offered by Samtech, and (c) competition in the industry.

Scanscot

Witness(es) to be determined

**Scanscot
Ideon Research Park
SE-223 70 Lund
SWEDEN**

Witnesses from Scanscot are expected to testify as to at least (a) the nature and scope of Scanscot's business, (b) the nature and functionality of solvers offered by Scanscot, and (c) competition in the industry.

Structural Research & Analysis Corp.

**Witness(es) to be determined
Structural Research & Analysis Corp.
12121 Wilshire Blvd.
Suite 700
Los Angeles, CA 90025**

Witnesses from Structural Research are expected to testify as to at least (a) the nature and scope of Structural Research's business, (b) the nature and functionality of solvers offered by Structural Research, and (c) competition in the industry.

Vanderplaats Research and Development, Inc.

**Witness(es) to be determined
Vanderplaats Research and Development, Inc.
1767 South 8th Street
Suite 100
Colorado Springs, CO 80906
(719) 473-4611**

Witnesses from Vanderplaats are expected to testify as to at least (a) the nature and scope of Vanderplaats's business, (b) the nature and functionality of solvers offered by Vanderplaats, and (c) competition in the industry.

D. INDUSTRY WITNESSES – OTHER

Daratech, Inc.

**Witness(es) to be determined
Daratech, Inc.
255 Bent Street
Cambridge, MA 02141-2001**

Witnesses from Daratech are expected to testify as to at least (a) the history, evolution and overview of the industry, and (b) competition in the industry.

Gartner, Inc.

**Witness(es) to be determined
Gartner, Inc.
Corporate Headquarters
56 Top Gallant Road
Stamford, CT 06904**

Witnesses from Gartner are expected to testify as to at least (a) the history, evolution and overview of the industry, and (b) competition in the industry.

Merrill Lynch Company

**Jay Vleeschhouwer
Merrill Lynch Company
4 World Financial Center
New York, NY 10080
(212) 449-7292**

Mr. Vleeschhouwer is expected to testify as to at least (a) the history, evolution and overview of the industry, and (b) competition in the industry.

Needham

**Richard Davis, Jr. CFA
Needham
445 Park Avenue
New York, NY 10022
(212) 371-8300**

Mr. Davis is expected to testify as to at least (a) the history, evolution and overview of the industry, and (b) competition in the industry.

PDES

**Witness(es) to be determined
PDES, Inc.
5300 International Blvd.
N. Charleston, SC 29418
(843) 760-3225**

Witnesses from PDES are expected to testify to at least the development and implementation of standards for the exchange of product model data.

Sigmadyne

**Witness(es) to be determined
Sigmadyne
16 West Main Street
Suite 112
Rochester, NY 14614**

Witnesses from Sigmadyne are expected to testify as to at least (a) competition in the industry, and (b) the nature and functionality of FEA solvers.

Computer Sciences Corporation

**Witness(es) to be determined
c/o Harvey Bernstein, Esq.
Computer Sciences Corporation
Office of Counsel
3170 Fairview Park Drive
Falls Church, VA 22042**

Witnesses from Computer Sciences Corporation are expected to testify as to at least (a) the criteria used in the evaluation, selection and use of FEA solvers, (b) the nature and type of analyses conducted using FEA solvers (or by the customers they support), (c) the type of personnel engaged in conducting various analyses and the software and hardware used to perform those analyses, (d) the degree to which in-house codes or embedded FEA solvers compete with or substitute for commercial FEA solvers within the company, (e) price and contract negotiations with FEA solver vendors, (f) evaluation of, or experience with, switching between FEA solvers, (g) competition between FEA solvers, (h) the effect of, or likelihood of, consolidation of companies in the CAE industry, and (i) other appropriate issues to be determined.

John Swanson

**c/o Tefft W Smith, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, DC 20005
202-879-5000**

MSC expects Mr. Swanson to testify as to at least (a) the nature of competition in the industry, (b) the functionality of FEA solvers, and (c) the history and development of the industry.

E. WITNESSES DESIGNATED BY COMPLAINT COUNSEL

Respondent MSC may call as a witness in this action any or all of the witnesses or deponents designated by Respondent in either its Preliminary Witness List, Final Witness List, or both.

F. DOCUMENT WITNESSES

Respondent MSC may call as a witness individuals useful and necessary to establish the admissibility of documents produced by such third parties.



Jeff W. Smith (Bar No. 458441)
Marimichael O. Skubel (Bar No. 294934)
Michael S. Becker (Bar No. 447432)
Bradford E. Biegon (Bar No. 453766)
Larissa Paule-Carres (Bar No. 467907)
KIRKLAND & ELLIS
655 15th Street, N.W.
Washington, D.C. 20005
(202) 879-5000 (tel.)
(202) 879-5200 (fax)

Counsel for Respondents,
MSC Software Corporation

Dated: March 1, 2002

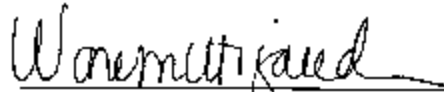
CERTIFICATE OF SERVICE

This is to certify that on March 1, 2002, I caused a copy of the attached Respondent MSC Software Corporation's Revised Witness List to be served upon the following persons by facsimile:

Richard B. Dagen, Esquire
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Washington, DC 20580

P. Abbott McCartney
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Washington, DC 20580

Karen Mills, Esquire
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Washington, DC 20580



Vanessa L. Higareda